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A CENTRAL BANK OF ISSUE

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THE EVOLUTION OF CENTRAL BANKING.

ONE of the strongest arguments in favor of a central bank is the fact that practically every commercial country but the United States has arrived by a process of evolution at the central banking system. There is not to-day an independent nation in Europe which has not a central bank controlling the note-issuing and exchange situation, most of them established within sixty years and several of them within ten years. Differences of race, of forms of government and even in degrees of economic development, may have retarded, but they have not prevented this evolution. The argument has been heard in this country that while central banks may be suited to monarchies, they are not adapted to republics. Such reasoning ignores the example of France, whose republican government in 1897 renewed the charter of the Bank of France for twenty-three years. It ignores the more recent case of the hardy little republic of Switzerland, whose central bank was opened for business in June, 1907, and bravely carried the country through the panic of the autumn. To the objection that the United States is too

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great territorially for a central bank with the necessary branches, is opposed the example of Russia, whose central bank holds the second largest gold reserve in the world and ministers to the needs of 150,000,000 people scattered over two continents.

If "history is philosophy teaching by example," then the history of banking teaches that financial progress depends in large measure on the existence of a central monetary institution, dowered by law with the power to use its credit without any limits, except those imposed by sound banking policy, for the protection of the national gold stock and national financial security. The only conspicuous instance of the failure of a central bank,—the second Bank of the United States,—antedates banking experience under modern conditions. If its failure is an argument against central banks, then the still worse failure of nearly all the local and isolated banks of that time is an argument against local and isolated banking. The science of banking was then in swaddling-clothes, and analogies based upon those conditions are as misleading as analogies in regard to the moving of freight to market based upon the speed and efficiency of the stage-coach and the ox-cart.

The Bank of England and the Bank of France are practically the only central banks in Europe which date back more than a century. The Bank of England is 215 years old; the Bank of France is 109 years old. All the other central banks, as at present organized, were formed after 1849 and many of them since 1875. The old Bank of Prussia dated back to 1765, but its business was not organized upon modern methods until much later, and only by the law of 1875 did it acquire the position of the dominant bank of the German Empire. The Austro-Hungarian Bank dates back to the time of Napoleon, but for many years was little more than a machine for the issue of irredeemable money to meet the needs of an embarrassed government. It was not until 1878 that the National Bank of Austria was expanded into the Austro-Hungarian Bank under a modern charter.

The National Bank of Belgium, whose charter became in 1882 the model for the Bank of Japan, was established only in 1850. The Bank of The Netherlands also, while organized in 1814, was reorganized on the model of the Bank of Belgium in 1864. Italy had a number of banks of issue up to the panic

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of 1893, when they were reduced to three,—the Bank of Italy, the Bank of Naples and the Bank of Sicily, each practically supreme within its own territory. Spain unified her note-issuing system only in 1874, when 18 local banks were ordered to liquidate their circulation and transfer it to the Bank of Spain. Portugal granted monopoly of note issue to her central bank only in 1888. In the three Balkan States which were liberated from Turkey in 1877 central banks were established between 1880 and 1885. Sweden continued the system of local banks until 1897, when provision was made for transferring their circulation to the Royal Bank before the close of 1905. Switzerland also, finding exchange almost uniformly adverse under the system of some 30 local banks, was finally driven, after a discussion of nearly twenty years, to the creation of a central bank, which began operations in the summer of 1907.

The reason for the evolution of the central bank is the reason for the evolution of other forms of concentration in modern society. It applies to finance the system of larger units and greater economy which has been applied long since in the world of government, railway systems and manufacturing. Guerilla warfare,—fighting with small units,—was adapted to the infancy of civilization; it is the heavy battalions and the massed resources which decide modern contests,—both on the field of battle and in the field of finance.

One of the best examples of this was the comparative conditions in Europe and America in the panic of 1907. The total amount of gold in the United States on July 1, 1907, was $1,466,389,101; that reported for France was $926,400,000. The national banks of the United States alone held on August 22, 1907, reserves in lawful money amounting to $701,600,000, and the Bank of France had practically no more. But in the United States each little local bank began strengthening its position, as if it was a small battalion in a beleaguered fortress instead of a part of the great army of modern finance. The result was that gold and notes were piled up uselessly in many a country town, while the banks of the great cities struggled by every possible device,—through the importation of gold, the hastening of merchandise shipments abroad, and the issue of clearing-house certificates,—to keep their reserves somewhere near the requirements of law. The monetary system broke down, and the

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banks of the United States, in a time of peace and abounding prosperity, suspended currency payments, because the metallic reserve of the country was so hopelessly subdivided as to be useless.

To the cry of distress which went over the sea from our isolated banking units, beaten as they were in detail, Europe responded by the generous tender of her gold. The United Kingdom, with little more than a third of our stock,—reported at $564,500,000 at the close of 1907, of which only $162,000,000 was visible in banks,—joined France with her larger stock in sending to distressed America within two months more than $100,000,000 of the yellow metal. The Bank of England, with its somewhat restricted reserves, which rarely rise above $150,000,000 and often fall close to $100,000,000, was in the position then, as it has always been in recent times, to summon the gold of the world by its concentrated power over the exchanges. The Bank of France, with total legal reserves less than those of American banks, nevertheless stood erect midst the storm with the concentrated power of a fleet of battleships surrounded by Indian canoes or Japanese sampans.

The American principle of isolated note-issuing banks has been tried, through admiration for America, in at least three countries, with disastrous results. One of these countries was Japan, influenced by touching faith in those early days that whatever was done in America must be right. Local banks of issue under the name of national banks were authorized by a law of 1872. The banks were required to purchase national stocks as the basis of their circulating notes. The notes came back so rapidly for redemption, however, that the banks were authorized in 1876 to redeem them in government paper money, which fell the next year nearly 50 per cent. below par and left the Japanese imitation of our national banking system only an unsightly mass of wreckage. The Bank of Japan was created in 1882 with a capital of $5,000,000 (since increased to $15,000,000), and began the laborious work of clearing away the débris of the national banking system and substituting the policy of a unified note circulation and a central banking control. With the help of the new bank Japan passed successfully through her struggle with Russia without the suspension of gold payments, only two years before the national banks of the United States suspended under the ægis of world-wide peace.

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The Argentine Republic also, stimulated by admiration for the great republic of the north, tried in 1887 the American system of depositing government bonds as a basis for note circulation. Bad banking and excessive issues destroyed the system within four years. Gold went to a premium of 300 per cent., and every bank of issue suspended in 1891 and went into liquidation. In Mexico the Code of Commerce of 1884 authorized the employment of government bonds as the basis of note issues, but the system soon went to wreck and was superseded by one based upon the predominant influence of the National Bank of Mexico and the specific and definite repudiation by the Minister of Finance of the policy of linking note issues to the credit of the government.*

The three apparent exceptions at the present time to the system of a central bank of issue among commercial nations are Scotland, Canada and Mexico. Critically examined, however, it becomes apparent that in each of these countries reliance is placed by the independent banks upon one institution which, without the direct sanction of law, nevertheless fulfils practically the functions of a central bank. Two of these countries, it may be remarked, are only parts of an empire and are not sovereign. In the case of Scotland, all the banks of issue lean in time of stress upon the Bank of England and import gold from London. They have agencies in London, and it has recently been proposed that when they encounter an unusual need for gold, it may be met by transferring the gold temporarily to their agenices in London, to strengthen their visible reserves, without shipping it down to Edinburgh and other Scotch cities.

In Canada the operations of the note-issuing banks, which number only thirty, centre around the Bank of Montreal, which possesses about one-fifth of the assets of the entire Canadian banking system. In Mexico the reforms of 1897, which put an end to the loose system of 1884, permitted the creation of a single bank of issue in each state, but these state banks lean largely upon the National Bank of Mexico, which possesses 40 per cent. of the assets of banks of issue, and have also entered into relations with the Banco Central, which affords them the benefits of quick redemption of their notes, the clearing of obligations, and mutual support in time of stress. It was a signifi-

* See the author's "History of Modern Banks of Issue," pp. 481–483.

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cant fact that in the pressure of 1907-08, while the issues of the state banks were contracting by $5,000,000, those of the National Bank of Mexico were increasing by a nearly equal amount.

Thus, in all these cases, it appears that there is in fact, though not in law, a system of central banking, only modified by the circumstance that moderate issues of notes are permitted to other banks. Moreover, in these cases of apparent exception to the general rule, the countries concerned, while large factors in the commerce of the world, are not a part of the mechanism of international finance to the extent of London, Paris, Berlin or New York. In the hands of the bankers of the first of these three great centres lies the distribution of surplus capital to new and developing nations. If New York would become a serious competitor with them as a centre of exchanges, for her share in this process of distribution, it is absolutely essential that she also should possess a financial mechanism cohesive, flexible and concentrated, capable of handling without risk the largest affairs, guarding the gold stock of the country, and guaranteeing by its strength the soundness of the monetary system.

CHARLES A. CONANT.

THE CENTRAL BANK PLAN.

UNDER our existing system of independent local banks we have prospered beyond all other nations. Therefore, this system cannot be wholly bad. But periodically the country has suffered from severe money stringencies which sometimes have resulted in panics and wide-spread disaster. We need a banking system that *always* will be safe and that *always* will serve the needs of industry and commerce. Foreign countries have such safe and serviceable systems. Can we not have such a system in the United States?

General money stringencies and wide-spread financial troubles in the United States have not been caused by the mismanagement of individual banks or trust companies. In the main the management of our banks and trust companies has compared favorably with that of similar institutions in other countries. Important bank failures have occurred in England, Germany and France as well as in the United States. No system can make bank-managers honest and prudent or guard against the penalties of

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dishonesty and imprudence. But under a safe system the failure of an individual bank will not result in a general money stringency, as sometimes has been the case in the United States. If the banks generally have not expanded their deposit liabilities beyond the limit of safety, borrowers who are refused accommodation by a particular bank, as a rule, can obtain credit from some other bank; and a bank which has good assets can strengthen its reserves in case of need by selling some of its assets or by diminishing its outstanding loans. But when practically all the banks have expanded their deposit liabilities to the limit of safety, shifting loans from one bank to another bank, or strengthening the reserves of some banks by drawing upon the reserves of other banks is of no avail, for then no bank can strengthen itself without pulling down some other bank.

In the United States there is no way of regulating or controlling the expansion of bank credits in the aggregate, and there is no way of securing the adoption of a common policy by all the banks and trust companies when this is necessary for the security of the general credit situation. Each of the twenty-five thousand independent banks and trust companies in the United States carries on business for its individual interest alone, independently of the others, and each at all times seeks to lend its credit to the limit permitted by law as long as it can make a profit by doing so. The result is that bank credits are expanded, speculation is encouraged and business operations are extended to the utmost limit in normal times, while no provision is made for those times when an exceptional amount of currency is withdrawn from the bank reserves for use in circulation or when there is a demand for an exceptional amount of bank credit. The rope of credit, having been stretched in normal times to the limit of its strength, breaks when an additional strain is put upon it.

Some way must be found to hold in check the aggregate expansion of bank credits in normal times so that a sufficient amount of reserve money and of credit power shall be held back and kept available for use in times when an exceptional amount of currency or of bank credit is needed. In every country of Europe the machinery for securing the necessary regulation and control of the expansion of bank credits in the aggregate and for keeping available an adequate amount of reserve money and of

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credit power has been provided by establishing a central bank which is deemed to be charged with the responsibility and duty of protecting financial conditions throughout the country. The necessary power is vested in the central bank (1) by making it the common depositary of a large part of the reserves of the other banks; (2) by making it the sole depositary of Government moneys; and (3) by conferring upon it a monopoly of the right to issue circulating notes.

The required regulation is effected by one or both of the following methods: (1) by acting as a bank for the discount and rediscount of commercial paper and by raising or lowering its discount rate, the central bank to a certain extent regulates interest rates and the expansion of credits and influences the flow of gold to or from the country; (2) by issuing its notes, which serve as circulating currency in lieu of gold, the central bank prevents the withdrawal of gold from the bank reserves for use as circulating currency, with the consequent reduction of credit power; and by diminishing the volume of the outstanding notes it checks over-expansion of bank credits and the export of gold when this should be prevented. The central banks of Germany and France use both of these methods of regulating banking conditions in their respective countries. The Bank of England uses only the first method, namely, by changing its interest and discount rate; but this method alone has not proved always adequate in England and certainly would not prove adequate in the United States.

There are eminent bankers who hold that we should establish in the United States a great central bank vested with powers similar to those exercised by foreign central banks. Undoubtedly the central banks in European countries effectively and satisfactorily regulate and control banking conditions in those countries; and if conditions in the United States were similar to conditions in European countries the argument in favor of establishing such a bank in the United States would be conclusive. However, conditions in the United States are so different from those existing in European countries that the central banks of Europe cannot fairly be considered precedents for the creation of a similar bank in the United States.

In Europe each country has established its own central bank, but no one country of Europe can be compared with the whole

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of the United States. The territorial expanse of the United States is as great as that of all the countries of Europe combined. Control of the business interests and financial resources of the United States is not centralized, and cannot be centralized, to the same extent as control of the business interests and financial resources of a single country of Europe. The different sections of the United States have developed rapidly in wealth and in financial independence, and there exists a strong and growing feeling of opposition to the concentration of financial strength in few hands or in any section of the country.

In order to establish in the United States a central bank on the European plan, it would be necessary to concentrate vast resources in this bank and to constitute it the reserve depositary of the banks throughout the country. It would be necessary also to take away from the existing national banks their power to issue notes and to give a monopoly of this power to the central bank. To allow such a bank to be organized like an ordinary corporation, with transferable shares and an elective board of directors, so that a few rich men might purchase control, certainly would not prove satisfactory. To vest in the Government the power to appoint the managers of the bank, or to control its operations, might make the management and policy of the bank depend upon the result of popular elections and might constitute control of the bank a political prize, to be disposed of by the party in power. To provide that some of the directors of the bank shall be elected by its shareholders or by the other banks, and that some of them shall be appointed by the Government, probably would suit no one and certainly would not prove effective. A great bank must have a consistent policy and an executive head who can carry out this policy. By the creation of a composite board of directors diverse interests cannot be fused so as to produce a harmonious and satisfactory result. Ultimately full control would pass to such of the different interests represented on the board as might happen to unite so as to form a majority. Under any plan the business management of the bank would be controlled in great measure by its president or chief executive officer. As New York is the chief financial centre of the country the principal sphere of activity of the bank necessarily would be in New York even if the principal office of the bank should be located elsewhere.

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Such concentration of financial power surely would result in sectional jealousies and dissensions.

The central banks of Europe were developed gradually, and became useful institutions because they were in harmony with the social conditions, the business habits and the political methods of the countries in which they were established. The Bank of England is a private stock company whose directors are chosen from among the merchants of London, but the management of the bank is governed by long-established customs and traditions which have acquired practically the force of common law. In France and Germany the directors or head managers of the bank are appointed by the Government, but in these countries also the management of the bank is governed by long-established customs and traditions. In European countries there exists the utmost confidence in the wisdom, the impartiality and the disinterestedness of those who have charge of the management of their central banks, and in no country of Europe are banking and currency problems deemed fit subjects for party politics. Though a central bank in the United States might be created by an Act of Congress, no Act of Congress could create the conditions, the customs and the traditions which in foreign countries have made central banks safe and serviceable institutions.

Almost from the beginning of our Government banking and currency questions have been treated as political questions. The first Bank of the United States was chartered by Congress in 1791 under Washington's administration. The bank became a football of politics, and when its charter expired the bank was destroyed. The second Bank of the United States was chartered in 1816, and the management of this bank also became an issue in party politics. When its charter was about to expire in 1836, the proposal to renew the charter resulted in one of the most bitter political controversies in the history of our country and was made the leading issue of a Presidential campaign. The party that favored the bank was defeated at the polls and the bank was destroyed.

No doubt business conditions have changed since the days when Jackson, Taney, Webster and Clay fought over the Bank of the United States; but have our political methods changed, and do we now exclude financial questions from our party politics? After the war the greenback question was treated as a political

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question, and the issue of irredeemable fiat money was approved by popular vote in a number of the States. A long and bitter political fight was waged in favor of the proposal to pay our Government bonds in irredeemable paper currency. For twenty-five years the silver question was treated as a question of party politics, and twice the free coinage of silver became the dominant issue of a Presidential campaign. In our last Presidential campaign the principal issue advanced by one of the candidates was the compulsory guarantee of bank deposits. In each of these cases far-reaching financial policies were included in political platforms to be submitted to popular vote in the heat of a Presidential campaign. On several occasions the country was saved from the wildest financial heresies and from financial chaos, if not dishonor, by only a small majority of popular votes.

Having regard to our political history and to the political conditions which we know to exist, is it reasonable to suppose that the management and policy of a great central bank could be kept out of politics? If, after the creation of such a bank, it should become the cause of sectional differences and dissensions, and if its management, or perhaps its very existence, should become a political issue, the bank, instead of rendering financial conditions safer and more stable, would make them far more perilous than they are to-day. And if in the end the bank should fail to accomplish its purpose and should be dissolved, like the former Banks of the United States, probably it would pull down with it the political party that was responsible for its existence. No one can foresee what financial heresies then might prevail, but true reform of our banking and currency system surely would be postponed for a generation.

The main purpose of a central bank is to secure the safety and stability of financial conditions throughout the country. Cannot the desired result be attained in the United States without a great central bank by adopting in modified form such features of the central-bank system as are suited to practical conditions in the United States?

Though it would not be desirable or practicable to concentrate the reserves of all the banks in a single central bank, concentration of part of the reserves of the banks in the several sections of the country is both desirable and practicable. In order to effect such concentration of reserves so far as practicable and

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desirable, the national banks in the several sections of the country should be authorized to unite in forming sectional reserve banks, to be controlled by them through stock ownership, each bank depositing part of its reserves in the sectional reserve bank of which it is a member. The sectional reserve banks, of course, should be required to keep ample reserves of lawful money and should engage only in the safest kind of business, so that at all times they would be in a position to furnish reserve money to the several banks by paying checks drawn upon their deposit accounts or by rediscounting their paper. The several sectional reserve banks also should make arrangements among themselves to facilitate exchanges between the different sections of the country.

For the purpose of establishing the necessary central regulation and control of the aggregate expansion of bank credits in relation to the aggregate bank reserves, the national banks, or the sectional reserve banks formed by them, should be authorized to form a note-issue association and to elect a central board or committee having power from time to time, with the consent of the Secretary of the Treasury, to increase or reduce according to the needs of changing conditions the volume of uncovered bank-note currency which the banks throughout the country may have outstanding, such increase or reduction being effected by increasing or reducing the percentage of their notes which the several banks must keep on deposit in lawful money in note-redemption funds to be held by the note-issue association or by the Comptroller of the Currency. By increasing the required percentage of the note-redemption funds the expansion of bank credits in the aggregate could be checked. By reducing the required percentage the banks would be enabled to meet a demand for more circulating currency without drawing upon their reserves against deposit liabilities.

VICTOR MORAWETZ.

GOVERNMENT BANKING.

IN his address at Boston, September 14th, the President, referring to the work of the Monetary Commission, informed the country that the trend of opinion among the members of that body is favorable to the establishment of a "central bank of issue"; and that foreshadows a discussion of the question whether

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this central bank shall be conducted under public or under private management. The President openly favors Government savings-banks, and the principle involved there is the same as that in the proposition for a Government bank of issue.

The proposed change must move on one or other of two lines—public or private interests. Men who have been long engaged in the loaning business and have grown rich on profits in interest moneys received will naturally favor private banking. But where there is one banker there are one thousand borrowers whose individual rights and interests are equally deserving of care and attention on the part of the governing power.

In the establishment of the gold standard it was generally understood by friends of that measure that the money question was settled; and perhaps, in so far as the metallic side of that question is concerned, it is settled; but in our case at this time there is another and much broader side to the money question, and that is the *paper* side. Nobody wants metallic money when paper is to be had. And the only paper money the people will use is that made by the national Government. The American people will never again tolerate State bank paper. Nothing in the paper money line in this country was ever so popular as the Greenbacks, and the reason is that the Government was behind it. Our national-bank currency has the same backing: but our experience with the banks' handling of it has not been satisfactory. While the paper is guaranteed by the Government, the amount of circulation is regulated by the bankers, who are private citizens in the business for personal profit and not for the public good. That, however, is not at all unreasonable, and it is lawful as well as natural. But when a shortage in currency appears and a rush for more currency is on, the Treasury Department is always called to the rescue. One result of the latest panic was an act of Congress providing for an "emergency currency" amounting to $500,000,000, for the printing of which a corps of Government engravers was employed ten months preparing plates for the new issue. Doubtless these facts have had much to do with bringing forward the suggestion of a Central Bank of issue under direct supervision of the same power that stands behind the banks and provides for the necessary relief in panicky times, which the banks have not, thus far, been prepared to do.

The Government now prints all the national bank-notes and the

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other paper currency in use, by its own employees, on its own machinery in its own buildings, and is now enlarging the quarters of the Bureau of Engraving and Printing so as to be able to do more work in less time.

The average number of employees in the Bureau of Engraving and Printing for the fiscal year 1908 was 3,578. The paper to be used in printing United States paper money and national bank-notes for the current fiscal year has been estimated at about 74,000,000 sheets, weighing 888,000 pounds, at a cost of $368,520.

The banks now paying the cost of printing their own notes, the only additional expense to be incurred by the Government for doing the same kind of work under the proposed change to a central bank and its branches, would come from the additional amount of printing; and facilities for doing this sort of work will be much better when the new building is completed.

But by far the greatest benefits to flow from the change to a central Government bank of issue could be made to consist in reducing rates of interest and making them uniform throughout the country.

Congress has no authority to meddle with interest in the States. That is a State affair. But the general Government may establish branch banks in any part of the country and loan its own money to the people at its own rate of interest as was done by the United States Bank and its branches from 1791 to 1811 and again from 1816 to 1836.

The amount of money loaned and the interest paid or to be paid thereon in our country for any long period has never been published. But from what has been reported, we can see that a grand total for a single year would go beyond our capacity to comprehend. Take one instance as an illustration:

On the fourth day of September, 1906, our national banks—6,137 in number—reported the amount of their loans and discounts for that day alone to foot up $4,298,983,316 (cents omitted).

That sum is nearly twice as much as our public debt in 1870, which was $2,331,169,956. It is more than one and a half times as much as the combined expenditures of our national Government during the six years—1902, 1903, 1904, 1905 1906, 1907, the total amounting to $2,945,296,779.

If that day's work netted only one per cent. the figures would

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show $42,989,833. Twenty such days' work would have paid the net ordinary expenses of the Government for any one year since 1865.

If national banks were the only money-loaning institutions in the country relations between lender and borrower might not seem so hard, but on the same day that the national bank transactions aforesaid took place there were in operation 11,852 State banks whose aggregate resources amounted to $10,363,350,846; also 8,862 commercial banks, 742 loan and trust companies, 1,319 savings-banks and 929 private banks and bankers—a total of 23,704 banking institutions besides the 6,137 national banks. (See Report of Comptroller of the Currency for the year 1906.)

If the difference between what is a fair and reasonable rate of interest and what is actually paid by the borrowing public were paid into the public treasury as public funds, taxation would be abolished and the tariff question would cease from troubling. It would more than pay all necessary expenses of the national Government from year to year.

One per cent. in a loaning establishment doing a large business will pay all necessary running expenses — rent, taxes, wages, stationery, postage, etc., leaving balance of the income as profits.

From time whereof the memory of man runneth not to the contrary, money-changers have dictated and maintained the rates of interest; and not until the great body of the people take hold of the subject will the borrowing public be fairly dealt with in this matter.

An eminent banker not many years ago wrote, "Wall Street moves the money which controls the affairs of the world."

A fair rate of interest is three per cent. That is what bankers themselves pay when they are borrowers. They advertise for deposits at that rate. A few months ago in Kansas twenty-nine State banks and thirty-eight national banks were designated as State depositaries, the interest rate being three per cent. Seven of the national banks bid over three per cent. One State bank was awarded eighty thousand dollars at three.

Recurring to the day's work of the national banks, September 4th, 1906, amounting to $4,298,983,316. Three per cent. on that amount gives us $128,969,499 as income for one day, and six such days would have paid all the disbursements of the general Government for the whole year 1906.

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Objections to Federal control of the Central Bank would be equally applicable to the Post-Office Department which carries mail to the doors of city residents and to farmhouses in rural districts.

The Post-Office Department also forwards letters and parcels and postal money-orders to all parts of the civilized world. For the year 1906 the amount, in value, of domestic money-orders issued was $444,515,790; and the amount of international money-orders issued same year was $63,047,868.

It is objected that on general principles the national Government ought not to mix in banking affairs. How can it be avoided unless we go back to the old "shinplaster"?

In the very beginning of our national career (1791), a *United States Bank* was established at Philadelphia, with branches at different points. It soon went into operation with a capital of $10,000,000, of which amount the Government subscribed $2,000,000 in specie and $6,000,000 in stocks of the United States. The measure was very popular. The shares of the bank rose to twenty-five and forty-five per cent. premium, and it paid an average dividend of eight and a half per cent. on its capital.

The popularity of the bank created a bank fever resulting in establishment of local institutions more than business required, and at the close of the war in 1815 most of them had suspended specie payments and there was a general demand for another United States Bank. One was chartered (April 3rd, 1816) for twenty years, with a capital of $35,000,000, the United States subscribing $7,000,000; and the second bank was quite as useful as the first.

More than ninety per cent. of our business now is handled with paper money. There is not coin enough in the country to supply the demand for thirty minutes, when one day's business of one-fourth of our loan agencies puts out four billion dollars during the business hours of a single day.

We must have paper currency in amounts that no institution other than the United States can supply.

Coming closer to the subject, we find our Government now immersed deeply in the banking business. Upward of six thousand banks in operation loaning paper money by the billion daily, every single piece of which is made by Government employees with Government machinery in Government buildings. And this

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has been going on many years. A tax is levied on bank circulation, and Congress makes an appropriation for the work based on the estimates submitted by the Director of the Bureau of Engraving and Printing.

Now let the Government do the rest of the work—the loaning of its own money by and through its own agents and appointees. Let the national banks now in business expire by limitation of law, their places to be supplied, whenever needed, by branch banks. There are now a great many national banks more than are required to handle the business they do. A city of forty to fifty thousand population gets only one post-office, and one Government bank could as easily accommodate that many people. Let the Treasury of the United States be the Central Bank, as it was in the years of our great war; and let the Treasurer be in charge as he was when ten dollars passed through his hands to one now.

Let the Central Bank loan to the people at three per cent. as bankers now lend to them at five, six and more: one per cent. of the income would pay all running expenses of the work, and two per cent. going into the national treasury would more than pay all necessary requirements of the national Government.

WILLIAM ALFRED PEFFER.

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THE NEW BALANCE OF POWER IN EUROPE.

BY ARCHIBALD R. COLQUHOUN.

It is essential for the maintenance of the balance of power that the great States of Europe should be grouped in such a manner as to prevent any one from becoming the supreme arbiter of the continent. This is no academic or theoretic proposition to be artificially maintained in the interests of symmetry, but is the outcome of the law of self-preservation which applies to nations as well as to individuals. Therefore, while the political manœuvres of the European governments and their diplomatists may at times be puzzling, not merely to the man in the street, but to the student of world affairs, yet it will be found that on certain broad lines it is possible to disentangle the threads and to understand the drift of affairs. At the same time the growth and change inevitable in all States which are living organisms render any permanent grouping of the Powers unlikely, and, moreover, the psychological element which can never be fully reckoned with in the history of nations, may at any time provide surprises which alter the whole course of events.

For the greater part of the lifetime of most of us certain dominating features have determined the current of European politics. First, the Triple Alliance, the work of Bismarck; second, the great military power of Russia and her alliance with France; and third, the unquestioned naval supremacy of Great Britain. These three factors, by the balance of interests which they established and maintained, have secured peace to Europe, and have prevented any serious war between European States since the struggle of 1870, which founded the German Empire. But the last few years have seen changes which go to the foundations of that peace by striking at all these bulwarks. The Triple

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Alliance still exists, but under circumstances which constitute a menace rather than a guarantee. Russia's military power has received an extraordinary check. Great Britain's naval supremacy is challenged. To older diplomatists it may well seem that the very foundations on which the European system has rested since the end of the Napoleonic wars is crumbling before their eyes. But, as it crumbles, another system will arise, and Europe, which has seen the decay of so much, will once more begin to build up.

Turning, for a moment, from the clash of national interests and ambitions, which is of course at the root of alliances and counter-alliances, we find all over Europe a non-national—a social, not a racial—movement. The rise of Socialism is not confined to any country in Europe, and, though it is modified by local circumstances and racial idiosyncrasies, it has certain broadly marked characteristics. The actual economic doctrine of the Socialists is not the most important feature of their movement—indeed it is a matter about which they disagree to an extent which even amounts, at times, to warfare. Their significance in the political world is that, under the parliamentary systems which prevail in most European countries, they now form a body in each governmental system which is opposed to constituted authority.

This phrase is, of course, only adequate in its broadest sense, for Socialism is a hydra-headed monster and cannot easily be summed up. In Italy (a constitutional monarchy) the movement is republican; in Spain (Catholic and monarchical) it is revolutionary; in republican France it is anti-militarist; in Germany (the most autocratic government in Europe) the Socialists are beginning to find a definite outlet as the champions of constitutionalism. In Great Britain the situation is complicated by the fact that Socialism has broken out, like an infectious disease, within a government ostensibly Liberal—nominally the heir of the Whig traditions. The outbreak has been signalized by the retirement from the ranks of Liberalism of Lord Rosebery and others, but a number of statesmen hitherto regarded as sound Liberals have been dragged along in the wake of the Radical-Socialist policy. The Red Flag, it must be observed, no longer stands for Utopianism, for the impossible schemes of idealists, but for definite political propaganda aimed at some vulnerable

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point in each governmental system. The German Socialists, who lost ground when Prince Bülow went to the country on a national and patriotic issue, will find plenty of support if they identify themselves with an attempt to reduce the personal power of the Hohenzollern ruler. The British Socialists, who are by no means without support, even from the more sober Liberals, find in the necessity for raising increased revenue the opportunity for Socialist legislation, and, when that legislation is opposed by the House of Lords, gladly turn their attacks on that second Chamber. Now, the House of Lords really needs some measures of reform, and the Socialist element is again able to count upon outside help. Therefore, this movement from below, far better organized than any previous movement of the masses and now being skilfully directed along the lines of practical politics, is one with which all the governments have to reckon. The main difficulty is how to enlist the co-operation of these organized opponents in raising the enormous taxation necessary in modern States. As a result we find that in discussing the future balance of power we can almost leave out of account those traditional dynastic considerations which have been controlling factors in the past. Americans are accustomed to speak and think of Europe as "monarchical," but as a matter of fact the individual and personal element in European government will very shortly lose the significance of monarchical prestige and depend upon the predominance of character. It is only fair to William II to say that had he not been born in the purple he would certainly have won it for himself—he would have been Chancellor if he had not been Kaiser—but, being a leader by nature as well as by birth, he is now the one autocrat in Europe since Nicholas II (already dominated by a bureaucracy) has adopted what is at all events an attempt at a constitution. William II is not only his own war minister, but as supreme commander of the Army and the Navy can declare war and mobilize without asking the consent of any one. This power is secured to him by the constitution, but a further power is now in his hands since the retirement of Prince Bülow, who as Chancellor acted also as Foreign Minister and carried on the traditions of Bismarck to the extent of independent views on foreign policy. The present Chancellor was especially chosen because of his inacquaintance with, and inexperience of, foreign affairs, and the

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Kaiser has assumed the active control of the foreign relations of his empire.

While the genius and personality of William II render such a combination of powers possible it is obvious that his whole position is an anachronism, that his attitude is a negation of the spirit of democracy, and that it is only by a series of brilliant successes that he can hope to hold his own against the forces from below. Hitherto his reign has been a period of increasing prosperity for the German people, and at intervals their pride has been satisfied by some demonstration of German power and prestige. The last of these was the humiliation of Russia in the Balkan crisis, and other instances are the dismissal of M. Delcassé, and the interference in Morocco on grounds which all Germany knew to be inadequate. To the outside world the Kaiser appears at times flamboyant, and within his own empire he has critics enough, but the vast majority of his people believe in his power to lead them along the path of prosperity to a still greater future—a future which, in vague but enticing language, he is continually holding up to them as the goal of Germanic ambitions. The internal situation in Germany, therefore, resolves itself into this. On the one hand the rise of a great industrial nation, largely influenced by collectivist ideals; on the other the personality of the German Emperor, and the fact that whether they will or no the whole German nation has been forged into a gigantic weapon for him to wield. The supreme question is whether he is wielding this weapon in a way which the German nation believes to be in its interests. There are people all over Europe who choose to believe that this is not the case, and that the German people themselves have no sympathy with the ambitions of their Kaiser. Personally, I am convinced that the vast majority of the nation are absolutely in accord with the foreign policy of the Kaiser, and it is only because of the support given him by his people that he is able to pile Pelion upon Ossa—not merely to maintain the vastest and best equipped army the world has ever seen, but to create a first-class navy as well. There may be grumbling about taxation, but this concerns merely the incidence of the burden, not the question as to whether the burden is to be borne. The vast naval construction was sanctioned practically without dispute.

The actual position of Germany is, of course, of primary im-

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portance in discussing the balance of Power, because it is the growth of that country in armaments which, to borrow a phrase from Cecil Rhodes, has "upset the apple-cart," and apart from her internal strength Germany has consolidated her position by cementing, in the closest possible way, her alliance with Austria-Hungary. When Bismarck initiated the Triplice he was anxious not to draw the cords so tightly as to preclude the idea of understandings in other quarters of Europe as well—notably in St. Petersburg, but then Austria was but a weak ally, and Russia a powerful, potential enemy. To-day Austria-Hungary has an army second only to that of Germany in size and training, and together the two constitute a military weapon such as Napoleon never dreamed of. Thanks to the position always maintained by Francis Joseph as regards the army of the Dual Monarchy in refusing to grant it the use of languages other than German in the word of command, and in keeping it in other respects out of the whirlpool of national politics, the Austro-Hungarian army is unitary, easily combined with German troops, and has recently, it is stated by competent authorities, been co-ordinated on paper with the forces of Germany. The deadlock in parliamentary matters caused by racial dissensions interferes for the time being with the project for building Austrian Dreadnoughts, but the powerful influences which can be brought to bear will eventually overcome financial difficulties. In the conflict between German, Slav and Magyar which distracts the realm of the Habsburgs the first are a numerical minority, and the Slavs have a majority over Magyars and Germans together. In the long run this racial fact must tell, and when we remember the lifelong rivalry between Slav and Teuton it appears that the Alliance of Austria and Germany has no permanent foundation. But the inclusion of the Austrian states in a German Zollverein might prove irresistible, and, whatever the political future of the Habsburg domains may be, a large portion of them must be relegated to a German "sphere of influence," if not more. The position of Hungary is one of the most puzzling factors in Europe, but her geographical situation makes it impossible for her to contend against economic considerations which a great Germanic-Austrian Zollverein would bring into play. Here again the Socialist element, which is very strong in Austria-Hungary, has to be considered. Its influence so far is anti-national, and

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would probably be exerted in favor of commercial union with Germany. Italy, the third party in the Triplice, is in a very different position to her partners. The enmity between her people and Austria is always ready to break out, as was evidenced recently when an eminent General in presenting new colors to a regiment practically told them that he hoped the flags would lead Italian soldiers to the recovery of their lost lands. Italy's acquiescence in the Bosnian annexation was secured by timely concessions on the coast of the Adriatic, but at the present moment the relations of Italy and Austria, though officially unruffled, are disturbed by two events. The first is the Isvolsky-Aerenthal dispute, in which the two statesmen try to throw on each other the onus for the steps leading to the annexation of Bosnia-Herzegovina, and on the top of this the Emperor of Russia visits the King of Italy and rather pointedly avoids Austrian territory en route. There is little doubt that Italy remains within the Triplice chiefly because the policy of her King is to secure his throne against republicanism by alliance with strongly monarchical countries, and also because Italy, whose fleet is only in its infancy, has an extended coast-line extremely difficult to defend. Italy has, however, attempted an insurance through an *entente* with Great Britain and is contemplating an extension of this understanding to France, but neither of these Powers, however good their will may be, can afford Italy protection in the quarter where she needs it. On her northern frontier the Trentino, lying on the southern slope of the Austrian Alps, and belonging not only racially but lingually and geographically to the kingdom of Italy, is a second Alsace to Italian patriots. Trieste and the eastern Adriatic Coast are partly Latin by tradition and sympathy, and the Irridentist faction in Italy has a popular following when it talks of the lost provinces which should once more be joined to the motherland. The Italian government cannot risk any expression of sympathy with these views, knowing too well the weakness of their position, with the great military combination of Germany and Austria-Hungary hanging over them. Between the devil of this menace and the deep sea of socialism and irridentism (two schools of thought far apart, yet united in embarrassing the government by their propaganda) the King of Italy and his advisers are obliged to cling desperately to the Triple Alliance long after it has ceased

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to be acceptable to the people or of service in the direction for which it was originally formed. In estimating the balance of Power, therefore, Italy's influence is neutralized by the conflict between her sympathies and her needs.

When we try to estimate the extent to which William II is master of the situation in his own country, it is of importance to inquire how far he can reckon on support outside it, and for this reason. Although it is true, as the present writer believes, that the German people approve his policy at present, he has still to face the undoubted fact that the autocrat is popular only so long as he is successful. A monarch who is identified with his people in a more intimate way, who is really their servant rather than their master, as is the case in Great Britain, does not have to bear the whole brunt of the blame for any reverse which may fall upon the nation. At the time of the very worst British reverses in South Africa the personal popularity of the monarch was probably at its zenith. There was not even a disposition to blame his ministers. Contrast with this the outbreak of criticism with which the German papers signalized the diplomatic check given to Germany in Algeciras. The Kaiser, as has been said, has been careful at due intervals to provide some spectacular effect to remind his people how brilliantly he upholds the honor of the Fatherland, and in building the Navy the most strenuous attempts have been made to bring the spectacular side before the people, and to inflame and stimulate their imaginations. The Kaiser cannot risk failure at any point now, and with characteristic thoroughness determined to secure the Triplice far more completely than Bismarck had ever intended. Knowing that the reins of power must before long fall from the hands of the aged Emperor, King Francis Joseph, William II has made great efforts to secure the personal friendship of his heir, the Archduke Franz Ferdinand, with whom in the past the German Emperor has not been on the most cordial terms. The Archduke did not like Berlin, and as an ardent Catholic and Austrian he has been offended by the "Los von Rom" movement and by the openly avowed theory of some of his Austro-German subjects that the Hohenzollern and not the Habsburg House is the legitimate ruler over Germans in Central Europe. Recently, however, the relations between the Archduke and the Emperor have improved, and the last incident was the

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reception at Berlin, with royal honors never before accorded to her, of the Archduke's wife, the Princess Hohenberg, who was obliged to forego all royal rights in Austria for herself and her children when the Archduke married her. There is no doubt that the Archduke counts on the support of the Vatican to annul the declaration made on his marriage and to secure the succession of his son. Apart from personal ties, however, Austria will not be permitted to forget that Germany secured her from the intervention of the Powers after the annexation of Bosnia-Herzegovina. The price to be paid for these favors has not been made plain as yet, but Europe has no doubt that the first result is the close alliance of the two great military powers and the construction of an Austro-Hungarian Navy which will act as the Mediterranean squadron to that fleet which is based on the North Sea. The principal disturbing influence which may upset the calculations of William II is to be found in the fact, already noted, that the policy of the Archduke Franz Ferdinand is dynastic and not national—it will never be popular with his predominantly Slav people, and, could they only achieve some sort of unity among themselves and a working alliance with the Magyars, the pro-German attitude of their government must undergo distinct modifications.

Against this consolidation of Central Europe into one vast armed camp we find a regrouping of the other Powers. Great Britain has composed her long differences with Russia and France, and the three now enjoy what is known as an *entente cordiale*. Practical politicians are sceptical as to the actual value of these somewhat indefinite understandings, and if their worth is to be computed in men or ships probably they are not very useful. But the moral element cannot be left out of account in international relations, and there is no doubt that the friendship between three great Powers, founded on a common danger —by far the most effectual tie—is of real use in maintaining the equilibrium of Europe. Unfortunately the new Triple Entente is composed of Powers geographically separated, and all three in a peculiar condition of unpreparedness, and the danger of the situation lies in the fact that the next few years offer to Germany an opportunity which may never occur again. Given the moment of weakness on the part of opponents and the necessity for some signal success to justify William II in his military and

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naval policy and to demonstrate the advantages of the system of government which he typifies, is it conceivable that the opportunity will be allowed to pass without any attempt to take advantage of it to increase German power and prestige?

German writers like Professor Hans Delbrück have been busy demonstrating that the naval power of Britain was a menace to the world, which Germany felt obliged to check in the interests of peace. The fact that the British navy has not, with the exception of the bombardment of Alexandria, been engaged in war since Napoleonic times, is not alluded to or explained. The most significant, and indeed the conclusive, feature in the case is, however, the fact that German naval construction took on its most feverish aspect just at the time when the Government of England was cutting down naval expenditure, and when the Prime Minister had openly declared in favor of the limitation of armaments. This was represented as hypocrisy in German newspapers, but official Germany knew better. Sir Henry Campbell Bannerman was incapable of the particular form of duplicity, and he actually received a deputation of one hundred and forty-four members of the British Parliament desiring the reduction of the Navy. While the naval estimates were accordingly reduced, and all attempts to maintain the "two-power" standard were abandoned, Germany accelerated her rate of construction. The following dates are instructive. The British Liberal Government came into power in December, 1905. In 1906 a Naval Bill passed the Reichstag with flying colors, and fifty millions sterling were voted for naval construction, and although this Bill was greatly in advance of the one passed in 1900 (Germany's first move in the naval game) yet it only satisfied the Emperor and the Navy League for less than two years, and early in 1908 a Supplementary Bill was passed without opposition. The British government viewed these occurrences with apparent equanimity, and the first note of alarm was caused by the fact that the Germans accelerated their programme, and made it evident that their Dreadnoughts would be ready far sooner than had been estimated. The acceleration has been maintained, and the rate of construction, the amount of supplementary preparation in the shape of docks, harbors, canals and auxiliary vessels, are so unprecedented in the history of any nation as to be almost incredible. Gigantic as the official estimates are,

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they by no means cover the whole naval expenditure, which, owing to the German method of financing public enterprises, is partly arranged for by loans outside the official estimates. Such extraordinary efforts were certainly not needed to protect German colonies, which, in fact, do not offer any temptations, nor is a fleet of Dreadnoughts specially designed for North Sea work suitable for the protection of the world-wide ocean-borne commerce which Germany possesses. Nor has it ever been demonstrated why that commerce should be endangered, since Great Britain has never shown the slightest disposition to interfere with or resent it. In short, no impartial observer who has studied the question on both sides of the North Sea can have any doubt that, whereas the British Fleet really existed for the protection of present and palpable interests, the German Fleet is aimed at creating a fresh sphere for its owners and as a weapon to increase, and not merely to maintain, the German share of power and prestige.

In considering the balance of power, therefore, we have to take into account the evidence that one Power, at all events, is not satisfied with her share, and is forging a powerful weapon in order to get more. The writer does not believe that the creator of that weapon has any definite plan as to when and how it will be used, but from his first master in strategy, Bismarck, he learned the important lesson that one must be prepared for any eventuality and must seize the first favorable opportunity. One thing is quite certain, he will be unable to maintain the heavy expenditure on naval and military matters and the martial ardor which has been stirred up without giving his people some tangible result for their money.

The situation, which is now fairly well understood by the small minority of people in Great Britain who give serious attention to foreign affairs, does not appeal in the same way to that democracy, which, like all democracies, is hardly capable of seeing through foreign eyes. It is so unlikely to the average Englishman, who is in a serenely pacific frame of mind, that any one should attack him, that he cannot be made to take the matter seriously. To the German, carefully taught by his teachers and his press to regard the Englishman as an aggressive animal before everything, it is equally obvious that he, with his predominance on the sea, blocks the way to a fresh world which,

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otherwise, Germany could easily conquer. Without any immediate territorial designs, beyond coaling stations, Germany desires to be the first world-power, the arbiter of Europe—an ambition only to be realized by such a blow to England's Navy as would break its present predominance once and forever.

The balance of Power in Europe therefore, in the judgment of the present writer, depends upon the immediate action taken by Great Britain towards National Defence. Her Fleet needs to be not only strong but superlatively strong, equipped in every detail. While believing that such a condition can be attained, if her Government will undertake the work in earnest, there is ground to fear that at present much remains to be done, especially in detail. The enthusiasm of her overseas Dominions in the cause of Imperial Defence is a pledge for the future, but not a shield against present dangers. Finally, the great movement in favor of National Service, the compulsory military training of every able-bodied British citizen, must be placed in the forefront of her programme, because only by securing an adequate second line of defence can she free her Fleet for the work it ought to do. As a nation in Arms she should never have to face invasion, for it is one thing to invade a people defended by a paid army—beat the army and the people are conquered—but no one yet has attempted to invade a nation in Arms. In the interests of Peace, in the interests of the Balance of Power on which Peace depends, the British nation is called upon to make certain sacrifices, but these are as nothing compared to what she may be called on to pay if she does not make these sacrifices. Nor does the writer believe the effort required is so great as is sometimes represented—the mere indication of a finer intention to hold her own place would act as a check on the feverish naval activity of others, who would never have attempted to rival her had she not, by her blind quiescence, invited competition. But, even if the efforts needful to prove that she value the heritage she possesses and is prepared to defend it involve some sacrifices of time and money, she will, in making that sacrifice, find a national rebirth which will lead her on to a future greater even than her past, not by reason of aggression and acquisition, but by organization, consolidation and internal reforms.

ARCHIBALD R. COLQUHOUN.

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HOW WE CAN HAVE AMERICAN SHIPS FOR THE PANAMA CANAL.

BY BERNARD N. BAKER.

WE have discussed the question of what use is the Panama Canal to our country without American ships.* We shall now do our best to show how these ships can be acquired upon safe business lines and the advantage to be secured after they have been acquired.

The first consideration is the sentiment which has been created all over this country that the time has come when we must have a merchant marine of our own. The absolute importance of this was demonstrated at the time of the Spanish-American war, when our company, the Atlantic Transport Company, through me individually, transferred seven large steamships from the English to the American flag, because, from President McKinley's own statement to me, it was absolutely impossible for the United States to secure ships; it was impossible to buy them in the United States under the American flag. If Spain had entered objections to the transfer it could not have been made. So important was this and the difficulty so great that the Atlantic Transport Company, Limited, of London, through a special resolution, transferred the ships to me individually, and I assumed responsibility of turning them over to our Government.

The following letter explains itself:

"*April 24th, 1899.*

"MY DEAR SIR,—The Government purchased from you seven ships last year, including the five large twin-screw fin-keel freight ships, for the sum of $4,000,000. While at the time the price seemed high, yet, upon subsequent investigation both of the ships and their values, I am satisfied that the Government received full value for its money. This has been confirmed, not only by the service of the ships, but by Mr. Cramp, President of the great ship-building concern of Philadelphia, who in-

* In THE NORTH AMERICAN REVIEW for November, 1909.

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formed me that they could not be duplicated for the amount or near the sum which we paid for them, which confirmed your generous offer, when I had some doubts as to paying too much for them soon after their purchase, in which you offered to return the money and $100,000 bonus if they could be given back to you. The transaction has therefore been a most satisfactory one to the Department.

"Yours very truly,

(Signed) R. A. ALGER,
Secretary of War.

"Hon. B. N. BAKER,
Atlantic Transport Line,
Baltimore, Md.

Correct Copy:
R. A. ALGER,
Senate Chamber, Washington,
March 16th, 1904."

To-day the Cunard Steamship Company, so largely subsidized by the English Government, absolutely prohibits the ownership of any of its stock by other than citizens of Great Britain. The Hamburg Packet Company will not allow any of the higher officers of the company to be citizens of any other country, so jealously do foreign nations guard the protection of their merchant marine, and of such importance is it to them.

The sentiment for the merchant marine is becoming widespread and overwhelming throughout the United States. Hundreds of letters received every day and the scores of columns given to the subject in the newspapers every morning and evening show the intense interest of our people as a whole in this national question. It is not worth while now to go into the really ridiculous condition of our merchant marine. Every one knows the sad story. The question to be considered is its upbuilding, how it can best be done and how the greatest amount of efficiency can be secured with the least expenditure.

The Merchant Marine League of Cleveland, Ohio, has done more to educate public opinion all over the country than any other movement that I have ever known of, and done it entirely from what I believe to be patriotic motives, spending its own money. Whatever is done, great credit should be given to the noble men who have been giving their money and effort to this object, but the time has come to reap the benefits of the public opinion which they have so largely educated. There was never a movement of great usefulness to our country carried forward to success in which sentiment was not the moving force in the beginning. The only thing is how best to reach the result of this work.

I shall undertake to show how I believe, and I would like to

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make this matter a record, that within five years our merchant marine can be increased in the oversea traffic from 130,000 tons to fully 500,000 tons, and at little cost in comparison with the great benefits it will bring to our country. To do this in a practical business-like way, and in fairness and justice to all the ports of trade of our Eastern and Gulf and Western coasts, and not in the interest of any one particular section, is the purpose.

The following is the Act of March 3rd, 1891. The underlined words show what changes are recommended:

"*An Act* to provide for ocean mail service between the United States and foreign ports and to promote commerce.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than *ten* years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf and Pacific ports. Said contracts shall be made with the lowest bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

"Sec. 2. That before making any contract for carrying ocean mails in accordance with this Act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Los Angeles, Tacoma and Portland and Seattle. Such notice shall describe the route, the time when such contract will be made, the duration of same, the size of the steamers to be used, the number of trips a year, the times of sailing and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter eight of title forty-six of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

"Sec. 3. That the vessels employed in the mail service under the provisions of this Act shall be American-built steamships, *owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion* of the crew

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shall be citizens of the United States—to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. *They shall be divided into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of twenty knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than eight thousand tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this Act between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of sixteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than five thousand tons. The third class shall be iron or steel steamships, capable of maintaining a speed of fourteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than two thousand five hundred tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of twelve knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than fifteen hundred tons.* It shall be stipulated in the contract or contracts to be entered into for the said mail service that the said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships.

"Sec. 4. That all steamships *of the first, second and third classes* employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a calibre of not less than six inches, and shall be of the highest rating known to maritime commerce. And all vessels *of said three classes* heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report in writing to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this Act.

"Sec. 5. *The rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of four dollars a mile, and for the second-class ships two dollars a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed one dollar a mile and for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required*

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by the Post-Office Department to be travelled on each outward-bound voyage: Provided, That in case of failure from any cause to perform the regular voyages stipulated for in said contracts or any of them, a *pro rata* deduction should be made from compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract to be determined by the Postmaster-General: *Provided further,* That no steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

"Sec. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and mails.

"Sec. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from contractor or contractors as may be agreed upon by the parties: *Provided,* That they shall only be required to perform such duties as appertain to the merchant service.

"Sec. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers and receive such pay for their services as may be reasonable.

"Sec. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree.

"Approved March 3rd, 1891."

Let the Act be amended as follows:

In the enactment clause, that the Postmaster-General is hereby authorized and empowered to enter into contracts for a term of not less than five nor more than twenty years in duration subject to the approval of Congress. These are the only changes that could be suggested in the enabling clause.

Second, the important clause for the extension of twenty years

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in place of ten years covers the average life of a steamship. So much more *per annum* would have to be paid for a ten-year contract than for a twenty-year contract. I believe a large amount of money could be saved; or, in other words, any appropriation for these contracts would increase the efficiency of the service and lessen the amount necessary to be paid and cover a longer period of years, the natural life of a ship.

Section 2: There would be no change.

Section 3: After the clause "owned and officered by American citizens," insert the words "and no contract under this provision shall be made with any steamship line, corporation or individual, if the line is or shall be owned or controlled by any railway or railroad company in the United States. If said ownership is proven, said contract shall be null and void." The object of this is to prevent the control of steamship lines by railroad companies in such a way as to prevent the encouragement of competition between corporations and citizens proposing to bid or go into the operation of steamship lines.

Repeal: Leave out of Section 3 from the clause "they shall be divided into four classes" to the end of the clause reading "not less than fifteen hundred tons," and insert "the President shall, with the approval of Congress, appoint a special commission of experts in an advisory capacity to investigate and report the result of the investigation of the demand of each port for the establishment of line or lines under the provision of this Act."

The matter to be considered first is the necessity or advantage of the line proposed, the character, size and dimensions of the ships proposed to be built and all questions appertaining thereto. This is the most important change in this bill.

Any practical steamship man who has ever had experience in the business must know that the conditions existing in ocean lines of travel are such that it would be an impossibility to effectively and economically arrange for one definite rate of compensation. But doing it in this way with business judgment the same amount of appropriation by Congress for the purpose of building up our merchant marine would, at least in my opinion, secure far greater advantages in the proper distribution of the encouragement among the different ports with just and due consideration for each port. The same amount of money would reach much larger efficiency in increasing and developing the

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merchant marine. Some lines would need much more assistance than others, and the question of speed would enter very materially into it. These questions could only be determined by taking each proposed route up upon its own merits by intelligent men, competent to reach decisions on such questions, and for this purpose I would suggest that a commission of three be named so as to cover the requirements of the War and Navy Departments, to include at least one naval officer. In this way and in no other way do I see how Congress could best utilize any assistance it gives without undue discrimination among the ports and the routes of travel. The provisions of this Act call for an equitable distribution among the Atlantic and Mexican Gulf and Pacific ports, and consequently would have to be considered upon those lines.

Section 4: In the beginning of Section 4, after "that all steamships," leave out the words "of the first, second and third classes." Leave out in Section 4 in the ninth line the words "of said three classes."

Section 5: Strike out the clause from the words "the rate of compensation" to the end of "on each outward-bound voyage" and insert the following: "The rate of compensation to be paid for such ocean mail service as the President and the Postmaster-General have authorized shall be such a rate as will be necessary to secure the establishment of the lines of steamers of such number and character as they may determine upon between the United States ports and such foreign ports as they have contracted for, but under no circumstances shall the total amount contracted for by the Postmaster-General exceed for the third year after the passage of this amendment $3,000,000; for the fourth year, $4,000,000; for the fifth year, $5,000,000; for the sixth year, $7,000,000; for the seventh year, $8,000,000; for the eighth year, $9,000,000; for the tenth year, $10,000,000, nor shall this amount of $10,000,000 ever be exceeded."

This makes a definite amount upon a graduated scale, and in my opinion is all that would be needed within that time to more than increase our tonnage five hundred per cent. Bear in mind that there is not a dollar to be paid under any circumstances until 1913, and then only during the whole of that year $3,000,000. This is all that is necessary. If Congress passes these amendments at the next session, it would be fully two years before any

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corporation or association of business men could build ships of sufficient size and character to add to our merchant marine in an efficient way, and consequently there would be no opportunity to earn any such subsidy. Such is the practical way of accomplishing what I believe to be a vast national benefit to our country. It is most important, first, to secure for both our War and Navy Departments suitable auxiliary cruiser transports and carriers to cover any necessity that might arise, and, second, to develop with all foreign countries the benefits of the trade and increase of commerce certain to follow the carrying of such commerce under our own flag.

I think the question of prohibiting all railroad ownership of such lines is very essential; also the cancellation of the contracts whenever such contracts should be secured by foreign interests.

We have recently seen the great value of what might be called the travelling advertisement under our own flag — the cruise around the world by the American fleet. Thus we did in a big way what the British and German Governments have been doing for many years, making their flags familiar in all parts of the world. The increase of our merchant marine carrying the flag to foreign ports would stimulate American trade in every direction. And it is especially worth while to consider the certain returns that would follow in South America.

Under the plan here outlined, we should enter upon a world policy with absolute fairness to every interest at home, and there could be no criticism of discrimination and favor in respect to any ports or places. All would be given equal consideration, which would be the only safe and sane policy for establishing the new lines. There are only two shipping lines to-day which have ships under the American flag in the oversea trade, the American Line owned by the International Mercantile Marine and the Pacific Mail Steamship Company. There is also a short mail line to Cuba, Jamaica and Venezuela from New York. These lines should have full and just consideration for their present ships. There is one other steamship, the "Minnesota," in connection with the Great Northern Railway between Seattle and the Orient. The Pacific Mail Steamship Company should not be owned and controlled by the Southern Pacific Railway. The railroad company should dispose of this, or at

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least no contract should be made while this line is so controlled. The Government should not own the Panama Steamship Company operated as a commercial line, but should turn it over to some interest.

Much has been done in the way of creating sentimental opinion in favor of this measure, but at the same time I have had few practical suggestions made from a business point of view of how it can be done. The difficulty of finding to-day in our country men thoroughly familiar with oversea traffic conditions that are not at present employed by either England, German or French interests is lamentable. Of course this is due largely to the fact that the oversea traffic is controlled by the foreigners. Our own great business men have not been paying to it the attention that they should. And while they are now awakening to the need of saving the national honor and advancing the national interest by putting the American flag upon the sea the problem comes to them with all the newness of something that they have just taken up.

We constantly hear criticism of the prohibition against allowing any American citizen or corporation to buy ships in another country and transfer them to the American flag. It seems to me that an Act could be passed to meet this objection, but under no circumstances ought foreign-built ships thus transferred be allowed the benefit of any mail contracts or be permitted to engage in our coastwise commerce. I think there will be general agreement with me on this point. For if such advantages were accorded to them the change in the law would close every shipyard in the United States within sixty days except for naval work and repairs.

Many opponents of the building-up of our merchant marine hold that the whole problem could be settled by allowing foreign-built ships to fly the Stars and Stripes. It would be well, I think, to meet their wishes by changing the Act with the restrictions I have named. But at the same time, I venture to say that if such a bill were passed there would never be a foreign ship put under the American flag. A proof of this is found in the fact that within the past twelve months three large steamers have been transferred from the American flag to foreign flags because it did not pay to run them under the American flag.

The real remedy for our present and future needs is the amend-

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ment and extension of the ocean-mail service Act. This statement is made at the suggestion of many eminent Americans who have become deeply interested in the problem, and who have requested the writer to prepare a basis for action by the coming Congress. With our investment of five hundred millions in the Panama Canal and with no ships to use it the situation needs immediate attention. Too many fail to see that the Panama Canal means a radical readjustment of the commercial chart. And it would be an incredible indictment of our own good sense to spend a half-billion dollars entirely for the benefit of other nations.

BERNARD N. BAKER.

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RICHARD WATSON GILDER.

BY BRANDER MATTHEWS.

In spite of our insistent habit of praising the past at the expense of the present, no student of social conditions could fairly deny that the level of life here in New York is in many ways higher than it was thirty or forty years ago. There is a keener sense of social responsibility and an acuter analysis of social demands. Above all, there is a more widely dispersed acceptance of the solidarity of the several classes of the community and a sharper recognition of their obligations to one another. At times the spirit of our citizens may seem wantonly careless and negligently tolerant of evil; yet we are capable of waking up to the needs of the moment and we reveal ourselves ready to make the best of an unexpected opportunity. At bottom we have a hearty contempt for the so-called "society leaders" who render no social service,—except perhaps that of setting a horrible example of wasteful idleness and of splurging incapacity. We are willing enough to recognize our debt to the true leaders who have ungrudgingly taken upon themselves the burden of doing the things that need to be done.

No city in the world has a group of institutions devoted to the advancement of learning and to the progress of civilization superior to the group to be found here in New York, all of them administered cautiously yet boldly by a little company of public-spirited men who are rendering an unpaid service to the community, the value of which cannot be estimated in money. The Metropolitan Museum of Art, the American Museum of Natural History, the Zoologic Park, the Botanic Garden, the Public Library, Columbia University and the more important hospitals, are institutions of which any metropolis might well be proud. Each of them is governed by a board of trustees; and

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a comparison of the list of these several bodies will bring out the frequency with which certain names recur,—the names of the men who are doing things that are worth while and who are getting those things done.

On the continent of Europe this work would probably be in charge of government officials; but here in America it has been undertaken by private citizens. It is our Anglo-Saxon habit to rely on individual initiative to accomplish much which elsewhere would be relegated to the State. We are ready enough to support the government, but we do not expect the government to support us or to support all the institutions which we believe to be necessary. We rely on self-constituted bodies to take charge of many interests of the highest importance; and these self-constituted bodies can come into being and can accomplish their purpose only when the community possesses men of lofty idealism, who are willing to labor unceasingly for the public good, with no hope of any other reward than the esteem of their fellow citizens. In the fact that New York has its full share of men of this self-sacrificing type we can find the answer to the question Lowell asked more than half a century ago: "In proportion as a man grows commercial, does he become dispassionate and incapable of electric emotion?"

President Eliot has pointed out the fallacy in the assertion that "the educated classes become impotent in a democracy, because the representatives of those classes are not chosen to public office," since in the United States public office is not the position of greatest influence. "Political leaders are very seldom the leaders of thought; they are generally trying to induce masses of men to act on principles thought out long before"; and "the real leaders of American thought have been preachers, teachers, jurists, seers and poets."

Richard Watson Gilder was a poet who was also a seer, a teacher and a leader. He was the living disproof of the belief that a poet must be a weakling, shrinking from contact with the rude world and ready to retire into an ivory tower, far from the madding crowd's ignoble strife. But Milton was no skulker and Dante led a strenuous life. Sophocles fought at Salamis, Horace had seen service in the field, and Cervantes was wounded at Lepanto. In spite of a frail frame Gilder went to the front in the dark days of Gettysburg; and he did not wear the red

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ribbon of the Legion of Honor with more pride than the bronze button of the Grand Army of the Republic. And he was a volunteer in many good causes, enlisting again and again in that civic warfare, the campaigns of which are longer and more disheartening than any military operations. In this civic warfare he found a desperate joy; and when he entered on one of these recurrent struggles he was no ninety-day recruit, but a seasoned veteran, who had enlisted "for three years or the war."

His poems were garnered in a single volume only a few months before his untimely death. In their transparent simplicity they disclose the character of the man who wrote them,—tender, aspiring and loyal. They display a delicate sensitiveness of feeling; they have a free spontaneity truly expressive of the man who sang them into being. They voice a genuine lyric cry; they have a fine distinction; they are the work of a true poet, even if they do not prove beyond question that he was also a great poet. They reveal his open-mindedness on every side to the influence of art in all its several manifestations, painting and sculpture, architecture and music,—more especially music. At times they make plain his manly capacity for indignation when his scorn of hypocrisy burned hot within him. In his lyrics we find no dreamy aloofness from life, even though he might disclose his kinship with Keats and with Shelley in his occasional detachment from material things. One aspect of his poetic power is evident in his scorching satire on the pretenders who mask with piety their disregard for the common decencies of life; and another aspect is visible in the lovely sonnet, "Call me not dead":

"Call me not dead when I, indeed, have gone
  Into the company of the everliving
  High and most glorious poets! Let thanksgiving
Rather be made. Say: 'He at last hath won
Rest and release, converse supreme and wise
  Music and song and light of immortal faces;
  To-day, perhaps, wandering in starry places,
He hath met Keats, and known him by his eyes,
To-morrow (who can say?) Shakespeare may pass,
  And our lost friend just catch one syllable
  Of that three-centuried wit that kept so well;
Or Milton, or Dante, looking on the grass,
  Thinking of Beatrice, and listening still
  To chanted hymns that sound from the heavenly hill.'"

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Much as I appreciate these loftier poems of his with their lyric lift and their delicate purity of sentiment, I confess a keener liking for the poems in which he set forth his love for New York and in which he caught and fixed one or another of its shifting appearances,—the sonnet on "Longfellow's 'Book of Sonnets,'" in which he echoed the chimes of Grace Church on a Sunday evening when there was

> "not a trace
> of Saturday's harsh turmoil in the town;—"

the song of "The City" wherein he declared that

> "To me no music is half so sweet
> As the thunder of Broadway;"

the vigorous hexameter of "In the Cities," with its unstinted tribute to the daring of the men of the fire department;—the sequence of couplets in which he set forth the charm of "Washington Square"; and, above all, the superb and resonant stanzas on the burial of General Sherman:

> "Glory and honor and fame; the pomp that a soldier prizes;
> The league-long waving line as the marching falls and rises;
> Rumbling of caissons and guns; the clatter of horses' feet,
> And a million awe-struck faces all down the waiting street."

He had also the true poet's mastery of prose, as he proved long ago in the uncollected contributions which he called the "Old Cabinet," a series of little essays exquisite in their tenderness of feeling, full of flavor and mellow in tone, like opals that have been warmed in the hand. The only prose work of his which he cared to put forth in a book by itself and to warrant with his name, contained several papers on Lincoln, solid in structure and rich in texture. No one had a keener appreciation of Lincoln than Gilder; and no one had a more ardent admiration for the foremost of our nineteenth-century presidents. In the pages of this little volume, his understanding of the martyred leader of the nation through the troublous times of the Civil War, his sympathetic insight into the character of Lincoln the man, is not keener than his felicitous discrimination of the merits of Lincoln the author, of the marvellous stylist who was able to achieve the noble simplicity of the Gettysburg address.

As an editor Gilder won for himself a place in the front rank;

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and it would be difficult to overestimate the importance of the influence he exerted upon the development of the modern magazine. Editing a periodical review of life and literature may seem easy, but it is a difficult art in which only a few have excelled. Editors are like poets in that they are born, not made; and Gilder was gifted by birth with the needful faculty. Editing is a calling for which there are no training-schools; and Gilder fitted himself for the arduous task as best he could, constantly refreshing himself by communion with the masters of old, whereby he was able to achieve a wider perspective of the present. He lived on a lofty level; but he kept a firm grasp on the realities of life. Intellectually an aristocrat, as Emerson was also, and as a poet is likely to be, he was democratic as Walt Whitman in his sympathy with his fellow man. His belief in the plain people, in their honesty of purpose, in their desire for enlightenment, and in their ultimate sagacity, was as solidly rooted as Franklin's or Jefferson's or Lincoln's.

And it was this belief which sustained him in his editorial labors and which made these labors successful. He was never condescending or patronizing to the readers of his magazine. He never affected to be stooping down to their lower plane. He felt assured of their willingness to respond to any appeal he might make to them, however exalted. I can recall now my telling him once that what distinguished him as an editor from the conductor of a certain other magazine was due to the fact that his friendly rival held the American people to be so intelligent that whatever was popular with them was likely to be pretty good, whereas he felt an even higher regard for his readers, being firmly convinced that whatever was truly good was certain to be popular also. This conviction—that nothing was too good for the average citizen—he always acted on, to the advantage of his own readers and to the encouragement of all his worthy competitors.

With the many contributors to his magazine and with his associates in its conduct, he was ever on the best of terms. He was unfailingly courteous and kindly, considerate and encouraging. He had a keen eye to discover unexpected merit, and he extended a warm welcome to the timid newcomers in the field of letters. His immediate recognition of good work was always genial and hearty. There was never any hint of affecta-

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tion in his manner, no suggestion of self-conscious superiority; and this was probably because he was himself richly dowered with the precious gift of personal humility. He was never in danger of taking himself too seriously, or of overvaluing what he was able to accomplish. He met all men on the high table-land of human equality. He wanted the best—in men as in books; and the best men wanted him.

He had a special gift for friendship; and many men of many minds found in him a kindred soul. He was as close to President Cleveland as he was to President Roosevelt; and he was as intimate with Mr. John Burroughs as with Joseph Jefferson,—and all four of them were men like himself in their large sincerity and in their frank honesty. He kept his mind and his heart open on all sides; and he found his friends in many callings, in public life as well as in the several arts. If he was unduly fastidious in anything, it was in the choice of his intimates. He did not willingly fellowship with pretenders, either in politics or in poetry. To be admitted into his friendship was a testimonial to character.

When a lyric poet of abundant productivity happens also to be the editor in chief of a widely circulated monthly magazine, it might seem that his life was full enough of responsibilities, and that he need feel under no obligation to take on any other work. But Gilder was not only a good poet and a good editor, he was also a good citizen, with a deep feeling of responsibility and an abiding sense of the manifold duties of citizenship. He stood ready always to bear his share—and often more than his share—of the burden and heat of the day. A good cause could count on his unfailing support; and he was as willing to serve in the ranks as he was to take a staff appointment. The record of his public activities is as extended as it is noteworthy. It was in his home that the Art Student's League and the Society of American Artists came into being. It was in his house that the Authors Club was founded; and it was due in a measure to the solidarity of the men of letters of New York and of the United States, brought about by the founding of the Authors Club, that the American Copyright League was able to organize itself for the long struggle which resulted in the beneficent copyright bill which became law now nearly a score of years ago. He was an original member of the National Institute of

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Arts and Letters; and he had early received the honor of election to the American Academy of Arts and Letters which has been established by the National Institute to contain the leaders of the several arts. He accepted election to the Simplified Spelling Board, in the hope and expectation of fitting English for wider service as a world-language and of helping to bring about the world-peace which would result from a better understanding between the races speaking different tongues. He was an ardent advocate of civil service reform; and he was an earnest supporter of the free kindergarten movement which has done so much to brighten the lives of the children and to supply them with finer social ideals.

But it is with the earlier serious effort to better the conditions of life among the lowly here in the city of New York that his name is most firmly linked. He served as the Chairman of the first Tenement-house Commission. In the conduct of its investigations he was as diligent as he was intelligent. He listened calmly and he questioned acutely; he let all the friends and all the foes of improvement say everything that could be said in support of their assertions. He brought together a mass of evidence which made it plain to all men that the existing conditions were intolerable; and he then extracted the meaning of this testimony in a report which was as temperate as it was convincing, for he had a very shrewd understanding of the art of persuasion and of the best way to accomplish things in this busy world. After the conclusion of the labor of Gilder's commission there was no possible doubt that immediate action was necessary to remedy the hideous evils then made visible to all who were willing to look facts in the face.

The bill in which his recommendations were embodied was far less drastic than had been dreaded by the opponents of this necessary reform; and this unexpected moderation attenuated the violence of the immediate opposition. It strengthened the pressure for making a beginning at once; and it became law. It was the entering wedge of a long-needed amelioration,—a wedge which has been driven in further and further by subsequent legislation, all of it in accord with the suggestions of the original commission. We can see now that it was characteristic of Gilder to be satisfied to ask at first for only a little of what he knew to be needed. With the shrewd optimism which was the result of

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his understanding of his fellow Americans he felt sure that what was not given immediately would be granted in a little while after the earliest advance had justified itself. It was largely because he did not demand too much at first that he was enabled to obtain at last more than he had expected. His success in laying the solid foundation for future improvement was due not only to his tact and to his self-restraint, but also to his confidence in his fellow citizens. It is to be ascribed largely to his ingrained belief that every true reform is inevitable, since when it is once started it is certain to roll forward like a snowball gathering mass by its own motion.

"The inveterate independent," so President Butler has declared, in his suggestive and stimulating discussion of "True and False Democracy," "does a public service so long as his independence is certainly based on principle and is without suspicion of personal feeling. He must, however, resign himself to being effective only through criticism, and at the risk of the critical habit becoming censoriousness and querulousness." Perhaps Gilder was not an inveterate independent of this type,—although he did his own thinking always and kept free from the fetich worship of party symbols. Certainly his criticism never became censorious or querulous. It was saved from this by his essential optimism, by the depth and breadth of his belief in our common humanity, by his fundamental democracy. But it was aided, in this escape from the fate which has befallen the old age of not a few critics of our institutions, both native and imported, by the fact that his critical independence was not merely theoretical. It was practical always, as befitted the independence of one who was ever ready himself to man the ramparts.

Gilder had none of the haughtiness and of the impatience displayed by only too many of the reformers who have enlisted only for a single fight. He had been a soldier in many a good cause, each in its turn; and he was thus preserved from narrowness and he was saved from the expectation that everything ought to be done in a hurry, exactly as he wanted it done. It is well for a man to have the courage of his convictions; but sometimes it is better for him to have the convictions of his courage and to believe because he dares.

Gilder hitched his wagon to a star,—but, first of all, he made

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sure that it was not a falling star. And he did not shrink from standing up in the wagon to say what he believed so that all could hear it. In other words, he took part in the cart-tail speaking on street corners in more than one municipal campaign. He was not the most effective of speakers; he had not mastered the technic of oratory as he had mastered the technic of poetry; yet he was able to win votes because his hearers could not fail to feel his manly sincerity and his honesty of purpose. Probably this sort of public appearance was distasteful to him, but he did not hesitate to lay aside his own feelings when he had once heard the call of duty.

And here he showed his practical good sense and his real superiority to those merely theoretic critics who content themselves with declaring what others ought not to do. In the calm quiet of an editorial office it is easy enough to urge reform impersonally, and many there are who content themselves with this task as easy as it is pleasant. Gilder was not one of these æsthetic dilettants of social and political improvement; he did not shrink from the field-work of enlightenment; he was willing, if need be, to pay with his own person. And no doubt this was one reason, as I have suggested, why he entirely escaped that jaundiced vision of mankind which is only too likely to blind the eyes of the purely theoretic performer soon after he begins to decline into the autumn of life, and which has led more than one of these disappointed idealists almost to regret that he could not live to behold the ultimate accomplishment of his prophecies of evil.

Gilder set an abiding example of civic fidelity. He stood for the best always,—in art, in literature and in life. He set high standards for himself as well as for others. There was no selfishness in his altruism, no unworthy self-seeking, no demand for approbation. He did only what he thought it his duty to do; and he found his reward in the memory of the deed itself. He had a large generosity of mind. He was free from pedantry and from priggishness; and he never assumed an attitude of affected superiority. The basis of his character was simplicity and sincerity; he was rooted in loyalty. In all his relations, personal and political, he was unfailingly scrupulous. He was as hopeful as he was helpful. He was an optimist who was also an opportunist, taking the most which could be obtained at the

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moment, assured that more would certainly be granted a little later; and he felt this assurance because of his ingrained belief in the desire of most men to do what is right so soon as the right should be revealed to them. He was a poet of distinction and an editor of eminent ability; he was a leader in good causes; but when all is said, the man himself looms larger than his work.

The late Gaston Boissier declared that there were qualities which the Greeks lacked and which the Romans possessed,—"Respect for authority, tenacity of purpose, the faculty of forgetting private feuds in the face of the common enemy, the close union of all citizens for a common purpose." The English-speaking peoples, with their forthputting energy, their colonizing faculty, their administrative ability, and their hard and resolute common sense, seem to be closer akin to the Romans than to the Greeks. There is all the more reason, therefore, that we should strive to attain as far as we can to the idealism of the Greeks, to that very practical idealism which inspired the men of Marathon. It is by the aid of that idealism only that the British Empire and the American Republic can retain their vitality, preserve themselves from ultimate decay and escape the fate which befell the mighty realm the Romans ruled. Professor Mahaffy has recently declared that the danger he sees "before this generation is that which came across the Roman world insensibly and which resulted in a decadence not arrested until it sank in the night of the dark ages. . . . We, too, with all our science, with our increase of material knowledge, and our restless running to and fro, may sink into an ugly, dark, joyless conglomeration of societies, for whom new discoveries supply new conveniences, but no return to the happiness of a simpler age. . . . Happiness does not lie here, no, nor in motors, nor in turbines, nor in wireless messages across the globe, nor in daily newspapers full of inextricable fact and falsehood."

From this doom one thing only will save us, the possession of men with elevated ideals, of men who are ruled by the spirit of unselfishness, who will work loyally and unceasingly to realize their ideals and to make their dreams come true. Richard Watson Gilder was a man of this lofty type; and the city of New York is a better place because he lived in it.

BRANDER MATTHEWS.

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CRIMINAL PROCEDURE IN THE UNITED STATES.

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DURING the past summer a national conference on criminal law and criminology was held at Chicago, which inaugurated a movement to promote the study and solution of what the President of the United States has recently declared to be the most important question before the American people to-day. There were in attendance at this conference some two hundred delegates from many parts of the country, representing the various professions and organizations directly or indirectly concerned with the administration of penal justice, including practising lawyers, prosecuting attorneys, judges of the courts, jurists, professors of criminal law in the universities, criminologists, sociologists and alienists. A significant and encouraging feature of the conference was the virtual unanimity of opinion among the delegates, lawyers and laymen alike, that our present methods of criminal procedure are in many respects antiquated, largely inefficient under modern conditions and a reproach to our civilization. So impressed was the conference with the importance of the question that it resolved itself into a permanent organization to be known as the American Institute of Criminal Law and Criminology to meet annually for the purpose of furthering the scientific study of crime, criminal law and procedure; of formulating and promoting measures for solving the problems connected therewith; and of co-ordinating the efforts of individuals and of organizations interested in the administration of certain and speedy justice. As one of the means to this end it was decided to establish a journal to be devoted to the scientific study of criminal law and criminology, and a movement was started looking toward the

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collection by the national and state governments of more comprehensive and reliable statistical information concerning the amount and nature of crime annually committed in the United States and the efficiency of existing agencies and instrumentalities for the detection and punishment of criminals.

If we compare American methods of criminal procedure with those of England and the Continent we cannot fail to be impressed with the fact that the chief causes of the wide-spread popular dissatisfaction with our own system are its cumbersomeness, the slowness with which criminal trials are started and expedited, the importance which is attached to technicalities and mere matters of practice at the expense of substantive justice and an altogether too wide latitude of appeal. Notwithstanding the constitutional guarantee of "speedy" trials, the dockets of the criminal courts nearly everywhere are so congested with cases that trials cannot be reached for months and sometimes for years. It was put in evidence before the New York State Commission on the Law's Delay in 1903 that on the 1st of November of that year there were 10,000 untried jury cases on the calendar of the first department of the supreme court of that state. The court was then three years behind with its work and it required from one and a half to two years to reach a jury trial in Kings County. The clerk of the superior court of Cook County, Illinois, informed the writer in April, 1907, that there were then pending 12,653 cases before the superior court and 18,828 cases before the circuit court, the former being more than a year behind with its business and the latter about two years in arrears.

The Iroquois Theatre fire case in Chicago may be cited as a typical instance of the delays in bringing cases to trial. The burning of the theatre, which resulted in the loss of nearly six hundred lives, occurred on December 30th, 1903. Two months thereafter the owner of the theatre was indicted. The indictment was held under advisement for a period of three months by the court and finally quashed. On March 4th, 1905, a new indictment was found and was held by the judge for a period of seven months and a half. Finally, in March, 1907, three years and four months after the commission of the offence charged, the case was brought to trial only to result in the release of the accused on a technicality. Such delays are not only a wrong to the accused, if he be innocent, but they always work an injury to society

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and often defeat the ends of justice itself. No deterrent is so powerful as swift and certain punishment. Long lapse of time between the commission of an offence and the trial induces pity, causes loss of interest on the part of the public prosecutor and not infrequently renders conviction difficult if not impossible by the death of important witnesses, their removal from the jurisdiction of the court or from lapses of memory regarding material facts connected with the crime.

What has come to be one of the most notorious causes of delays in starting trials is our method of selecting juries—a task which ordinarily ought not to consume more than an hour or two of time, as is the rule in England and on the Continent wherever the jury system prevails, but which in America often requires weeks and months. Two of the most flagrant cases of this sort recently occurred in Chicago where nine and a half weeks were required to select a jury to try a labor union slugger named Gilhooley and thirteen weeks to choose a jury to try Cornelius Shea. The impanelling of the jury in the latter case involved the summoning of 10,000 veniremen and an examination of nearly 5,000 talesmen at a cost of forty or fifty thousand dollars to the State. A more recent case has just occurred in San Francisco where ninety-one days were consumed in the effort to choose a jury to try the president of a street-car company on the charge of bribery. In America it is assumed that one who may have casually or otherwise formed and expressed an opinion upon the merits of the case from hearsay evidence is incapable of rendering a verdict according to the legal evidence when it points to a different conclusion from that at which he may have already arrived. Such a rule renders it exceedingly difficult in important cases to find twelve men who are legally qualified to try the case. In order to lay the foundation for challenges, it has become a common practice of counsel to interrogate prospective jurors at unnecessary length concerning their domestic, social and religious affairs, the newspapers they read, their business relationships and many other matters which seem to a layman to be irrelevant. In the Gilhooley case referred to above counsel for the defence examined a prospective juror for nearly two hours, and the State's attorney put him through a similar ordeal. Under such circumstances the selection was at the rate of about one juror per week.

In England the judges refuse to permit the long-drawn-out,

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rambling and irrelevant interrogatories in the examination of jurors such as have come to be a regular feature of every important trial in this country. There a prospective juror is simply asked whether he is related to either of the parties and whether he knows of any reason why he cannot return a verdict in accordance with the law and the evidence as brought out in the trial. To an Englishman any further examination seems superfluous and a waste of time. "Think of taking a month or six weeks to select a jury," says ex-Justice Henry B. Brown of the United States Supreme Court, "and requiring each prospective juror to give a history of his life and his opinions upon every conceivable subject for the apparent purpose of laying the ground, not for a challenge for cause, but for a peremptory challenge." "When I was a judge in the court of original jurisdiction," he continues, "in all of the fifteen years' time I do not think I ever spent more than two or three hours' time impanelling a jury."

T. Newton Crane, Esq., formerly of the American bar, but for some years past a prominent barrister of London, in a letter to Hon. Joseph H. Choate, dated March 31st, 1903, describing the English procedure of impanelling jurors, said: "The examination of jurors on their *voir dire* is absolutely unknown in England, while many lawyers who have been in practice for twenty years or more have never known a juror to be objected to or excused for cause. It not infrequently happens that the same twelve jurymen will hear three cases without leaving the box."* Rarely more than an hour is consumed there in the selection of a jury for the trial of the most important case. Furthermore, in England and on the Continent the judge is allowed to examine into the qualifications and fitness of veniremen before they are called for examination by counsel, with the result that the unfit are weeded out beforehand and the task of selecting the panel greatly simplified. Judge Barnes of Chicago has recommended the introduction of this sensible reform into our procedure as a means of diminishing an already large and increasing evil.

One result of the long delays involved in the selection of the jury is to increase the aversion to jury duty upon the part of professional and business men. It is not at all strange that a man

* This letter is published in the Report of the New York Commission on the Law's Delay, 1903, p. 111.

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who is confronted by the prospect of being dragged away from his home and business and kept in a state of virtual imprisonment for days, weeks and even months before the trial is really started should, when asked if he knows of any reason why he cannot render an impartial verdict, resolve the doubt in favor of his own liberty and comfort by professing a prejudice which he really does not feel. This natural tendency to shirk jury duty could be greatly reduced by providing more adequate accommodations for the physical comfort of jurors and by removing the petty and unreasonable restrictions on their liberty, such as are inconsistent with the idea that jury service is a dignified and highly honorable public service. A practical illustration of the truth of this statement was furnished in the second trial of Cornelius Shea in Chicago, when the presiding judge announced at the beginning of the trial that jurors would be treated not as prisoners undergoing punishment, but as citizens performing an important public service. In some communities steps have been taken to ameliorate the hardships of jury service by providing more comfortable and homelike quarters for jurors. In Chicago, for example, luxurious suites of bedrooms, bath-rooms, a dining-room, a kitchen and a reading-room have been fitted up on the top floor of the criminal courts building for the exclusive use of jurors, in the belief that such accommodations will greatly minimize the tendency of men accustomed to the comforts of home life to evade jury service. In this connection I venture to express the opinion that the wholesale exemptions from jury duty now allowed to many professional classes ought to be abolished and every qualified male citizen between certain ages required to do jury service when called upon. The result of the numerous exemptions now allowed is to eliminate a large proportion of the best qualified citizens and to restrict jury duty, to a very considerable degree, to the most unfit classes.

One of the most prolific sources of popular dissatisfaction with our methods of administering criminal justice is the practice of the appellate tribunals of reversing the decisions of trial courts upon technical errors and granting new trials to criminals who have already been convicted. Justice Brown hardly exaggerated the facts when, criticising the American practice of allowing appeals, almost as a matter of course, he recently remarked that the rendering of the verdict was only the beginning of the

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trial in serious criminal cases. The supreme court reports of all our states furnish ample evidence of the truth of Justice Brown's statement. We have reached a point where it is almost impossible to punish a criminal after a single trial, especially if he can command the services of able and ingenious counsel. Our judicial annals show that a large proportion of the criminals of this country who have been punished in recent years have had the benefit of at least two trials and convictions. It has been abundantly established by experience that postponements and new trials more often result in defeating justice than in promoting it. It is well known that after the lapse of a certain period it is almost impossible to convict the worst criminal. After the first trial the very stars in their courses seem to fight for him. Public interest languishes or becomes indifferent, the pressure of outraged opinion which operates as a powerful stimulus to the prosecuting attorney ceases, witnesses die or forget material facts, the sense of responsibility on the part of jurors diminishes as the memory of the crime recedes in the past and the case is often abandoned or the offender acquitted because public sentiment no longer seems to demand his punishment.

The doctrine of some tribunals that error in the procedure of the trial court, however trifling and immaterial, is presumed to affect prejudicially the rights of the accused and that consequently wherever such error is found it is the right and duty of appellate courts to grant new trials, is doing more than anything else to multiply appeals, defeat the administration of justice and impair public confidence in the efficiency of the courts. Some of the instances of reversals on account of presumed prejudice arising from technical errors in the procedure of the trial court would, says Wigmore, one of the highest authorities on the law of evidence, seem incredible even in the justice of a tribe of fetish-worshipping Africans. Some of the trivial reasons that have actually been assigned by the appellate courts of our states for allowing new trials are the following: because the name of the State was abbreviated in the indictment; because the word "feloniously" was omitted from the indictment, although the evidence showed that the crime was committed with felonious intent; because the indictment merely stated that the victim "did then die" instead of stating that he "did then and there die"; because the word

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"maliciously" was omitted from an indictment charging the accused with arson, although it stated that the offence was committed "wilfully and feloniously"; because the indictment charged the defendant with "killing and murdering" instead of stating that he "did kill and murder" (the word "did" being held essential to a valid indictment); because the indictment charged the defendant with intent to "kill or injure" instead of to "kill and injure"; because the words "person or human being" were omitted from the indictment; because the defendant was allowed to offer evidence as to his good reputation for honesty and integrity, but not as to his reputation for truth and veracity (thus assuming that the jury might not believe the testimony as to the former, but might believe it as to the latter); because the judge was absent from the trial three minutes; because the words "on oath" were omitted from the indictment; because the officer who summoned the jury was not specially sworn; because the evidence on which a notorious robber was convicted failed to show whether the money stolen was coin or bills; because the property stolen (in this case 800 pounds of cotton) was not alleged to have any value; because the indictment which charged the defendant with burning a creamery described the offence as "arson," whereas arson is the burning of a dwelling; because an indictment charging the defendant with committing a crime at Westminster failed to state that it was the *town* of Westminster; etc. The reports of the Supreme Court of the United States likewise are not without their contributions to this phase of American procedure. In a recent case this court reversed the decision of a State court because it did not appear from the record that the accused had been arraigned and given an opportunity to enter a plea of not guilty, as if he could have been tried without an arraignment and a plea. One of the justices of the Supreme Court of Mississippi in an address before the State Bar Association of that State on May 4th of this year reviewed at length some of the instances of reversals in Mississippi for technical errors and declared that they were a reproach to the intelligence of the American people and an injustice to the civilization of the country. The rule requiring an indictment to be encumbered with useless verbiage and phraseology employed a hundred years ago in order to be sustained by the appellate courts, he declared, was a "constitutional ab-

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surdity," the effect of which was to defeat rather than promote the ends of justice.

The American practice of granting new trials for technical flaws in indictments is an inheritance from England in an age long since past. Lord Hale's criticism that "more offenders escape by the over-easy ear given to exceptions in indictments than by their own innocence . . . to the shame of the Government, to the reproach of the law, to the encouragement of villainy and to the dishonor of God" no longer applies to the English system, but it describes pretty accurately the situation in America. In England an indictment for murder is not required to describe in detail the manner of the killing, but it is sufficient to say that the killing was done wilfully, unlawfully and with malice. The only purpose of an indictment is to give the accused information of the offence with which he is charged so that he may know what he is expected to answer and be able to prepare his defence accordingly. The long, verbose, detailed recitals which encumber indictments in this country are not only not essential to give the accused such information, but they tend to introduce uncertainty and confusion and render conviction difficult because everything alleged must be proven in order to secure a conviction. To a person of common sense it seems absurd to set aside a decision simply because there is a variation between the allegation and the proof when the evidence shows that the thing done is of the same general nature as the thing charged.

The practice of reversing the decisions of lower courts for technicalities has a tendency to reduce the trial to the level of a contest over errors—a subtle game in which the one who plays the most skilfully often wins regardless of the real merits of the controversy. Every lawyer who has a doubtful case endeavors to get error into the record so as to secure a new trial in case his client is convicted, while the state's attorney strives with equal effort to keep it out. The judge, who is the umpire of the game, and not much more, is in the ordinary course of things requested to charge the jury on certain propositions, and if he refuses on any point, a bill of exceptions follows and the case goes up for review. In some jurisdictions if the judge fails for any reason to charge the jury on every point involved in the case and the defendant is convicted the latter may take an appeal. In other states the judge is allowed to charge the jury only on points to

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which his attention has been called by counsel, and if he goes further the foundation for an appeal is laid, although the superfluous charge may not affect in the slightest degree the rights of the accused. Thus the judge is surrounded on every side by pitfalls and in intricate and long-drawn-out trials the task of steering clear of them is difficult indeed and few there are who escape being entrapped.

Another prolific cause of reversals and of new trials in America arises from errors in the admission or exclusion of evidence. According to the American practice the admission of irrelevant evidence is nearly always fatal and a new trial will be granted, although it may appear from the most incontrovertible proof that the defendant is guilty as charged. This practice is really a perversion of the early common-law rule. The original reason for prohibiting the admission of merely irrelevant evidence was not because its introduction was necessarily prejudicial to the rights of the accused, but because it tended to encumber uselessly the record and involved a waste of time. Consequently, an erroneous admission or rejection of such evidence did not in itself constitute a sufficient cause for setting aside a verdict and the granting of a new trial unless it appeared to the court from all the material evidence that a different result would probably have been reached. To presume that the admission of evidence which is objectionable merely because of its irrelevancy is prejudicial to the case of the accused is to presume that, although the jury are capable of weighing the material evidence, they are incapable of disregarding or discounting that which is immaterial. It is not only an unwarranted assumption, but a perversion of the principle upon which the jury system rests. In England this rule was abolished long ago, and in the conduct of a criminal trial little or no time is wasted by arguments and wrangles over such questions. On this point Justice Ingraham of the New York Supreme Court recently said: "I have heard cases tried in England quite a number of times, both at the Assizes and in London, and I do not think I ever heard five minutes given during a trial of a case to the discussion of questions of evidence. I have seen case after case go through without the question of evidence being raised at all."*

* Testimony before the New York Commission on the Law's Delay, 1903, p. 247.

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A committee of the American Bar Association, after an investigation of the subject in 1887, reported that new trials were granted in forty-six per cent. of all cases brought under review in the appellate courts of this country. The New York State Commission on the Law's Delay authorized by act of the Legislature in 1903 found that the proportion in that State was forty-two per cent.* An examination which I made of the decisions of the Supreme Court of Illinois covering the years 1903-1905 revealed the fact that about forty per cent. of the criminal cases appealed were reversed upon errors, mostly of practice and procedure. A comparison of the percentage of reversals in America with that in England affords striking evidence of the different attitude taken by the English appellate courts toward questions of error in the trial of criminal cases. According to a report of the Master of Judicial Statistics in 1900, 337 cases were appealed in that year from the High Court of Justice and of these only fifteen were remanded for re-trial. In the year 1904 only nine out of 555 cases reviewed by the Court of Appeal were reversed.† It is a rule of the English procedure that a judgment or verdict of a trial court shall never be disturbed or a new trial granted for error if the evidence admitted is sufficient to justify the judgment or verdict; or, if evidence erroneously excluded would not in the opinion of the appellate court have led to a different result. In short, judgment is rendered on the merits of the case, and instead of presuming that error in the procedure of the court below is prejudicial to the case of the accused the reviewing tribunal acts on the presumption that it was harmless and makes it incumbent upon the appellant to show the contrary. One result of this rule has been to greatly diminish the number of appeals in England, not more than one case in ten being taken up for review as against one in every three or four in America. A defeated party knows that he cannot secure a new trial upon technical errors, and if he has no case on its merits there can be no incentive to take an appeal.

* Page 246.

† These statistics are taken from a letter of T. Newton Crane, Esq., of London, addressed to Hon. Joseph H. Choate March 31st, 1903, and printed in the Report of the New York Commission on the Law's Delay, p. 112. According to the same report there were only 1,272 cases appealed in all England in 1903, whereas in two departments of the New York Appellate Division (comprising New York City and Brooklyn) there were 2,952 appeals. (*Ibid.*, pp. 34, 76, 246.)

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The opinion is spreading in this country, not only among laymen, but among candid and honest lawyers as well, that the interests of substantial justice and social order require a restriction of the right of appeal to more reasonable limits. Justice Gaynor of New York recently described the evil of our present procedure tersely when he declared that our appellate courts review too many things and that with us "appeals have come to be pretty nearly the principal thing." Another jurist less well known has aptly remarked that one difficulty with our present system is that it is based on the "fundamental idea that a trial and a decision are always wrong" and that every person charged with crime ought to be given at least two opportunities to establish his innocence.

The present wide latitude of appeal, though in theory open to all, is in fact practically closed to the poor on account of the expense involved. The rule thus operates to the great advantage of the well-to-do litigant by opening up avenues of escape which are in effect closed to the man without abundant means. The injustice of such a system, discriminating, as it does, against the poor, has recently been pointed out and dwelt upon by President Taft, President Woodrow Wilson of Princeton, and ex-President Andrew D. White of Cornell University in public addresses. It has come to be a common belief that the rich criminal with unlimited means at his command for employing able and ingenious counsel and for meeting the heavy costs of litigation in the higher courts can by means of appeals and new trials escape the punishment which he deserves and which he would receive were he a poor man practically restricted to a single trial. We venture to assert that it is no infringement upon the constitutional right of any man charged with crime and convicted by a unanimous verdict of a jury and with all the presumptions of the law in his favor to say that he shall not be given another opportunity to establish his innocence unless it can be affirmatively shown that substantial justice was not done him in the first trial.

No appellate court should be permitted to presume that every error found in the record of a trial court works prejudice to the cause of the accused and gives him a right to a new trial. The English rule of requiring the court before granting a new trial to be satisfied after an examination of all the evidence that the error complained of was prejudicial seems absolutely rea-

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sonable and just. It is gratifying to note that this rule has been recommended by the American Bar Association, the bar associations of various States and is now being advocated by many able and distinguished jurists throughout the country. It has also been incorporated in the code of criminal procedure of the State of New York which provides that in capital cases the court of appeal must give judgment without regard to technical errors or defects or to exceptions which do not affect the substantial rights of the parties. The same rule has been incorporated in the recent law for the establishment of the Chicago municipal court. This law enacts that no order or judgment of the municipal court shall be reversed by the appellate court or the supreme court unless they shall be satisfied that the order or judgment was contrary to law and the evidence or resulted from substantial errors directly affecting the matters at issue.

In England until 1907, when a court of criminal appeal was created, no right of appeal in criminal cases was allowed, though, of course, the decision of a lower court could be reviewed upon writs of error. The Home Office was expected to correct judicial wrong in criminal cases by means of pardons granted to persons unjustly convicted. The advantage of the right of appeal in criminal cases for a long time seemed doubtful to the English, and they were led to introduce it only after a popular clamor following the terrible miscarriage of justice in the case of the unfortunate Adolf Beck in 1904. The opponents of appeal pointed out that such a system was expensive, cumbrous, dilatory and ineffective; asserted that it would substitute the judgment of a court with only the record before it for the judgment of twelve men who meet the witnesses face to face and hear the testimony from their own lips, and declared that it would tend greatly to diminish the sense of responsibility of jurors, since their verdict would not necessarily be final.

This view has not been without able supporters in America, though as yet the number has been small. President Taft, for example, in an address before the Yale Law School in 1905 asserted that: "If laws could be passed, either abolishing the right of criminal appeal and leaving to the pardoning power, as in England, the correction of judicial wrong; or, instead of that, if appeals must be allowed, then if a provision of law could be enacted by which no judgment of the court below should be reversed

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except for an error which the court, after reading the entire evidence, can affirmatively say would have led to a different verdict, ninety-nine reversals out of one hundred under the present system would be avoided."

In England the judge occupies a commanding position in the trial which is wholly denied to him in America. He is not only vested with large power in the selection of juries, but is allowed to review and sum up the evidence, sift out the immaterial from the material, put the evidence before the jury in intelligible and coherent form, and, if the jurors have been confused and misled by the arguments of counsel, to set them right before giving the case into their hands. There is really no danger in this principle, since it does not in the slightest degree take away from the jury its power to determine the question of fact, but only helps it toward an intelligent decision by a sifting and clearing-up process. In America, as Judge Grosscup has remarked, the judge is practically not allowed to take part in the trial of criminal cases. His position is that of an umpire or a moderator rather than a judge in any real sense. The truth is, the Americans have gone to the extreme in exalting the function of the jury at the expense of the judge. There is still a wide-spread disposition as in Blackstone's day to worship it as a fetish and to look upon the judge with a sort of superstitious fear, though in nearly all the states the judges are popularly elected for comparatively short terms. Many eminent American jurists, among them President Taft, have complained of the position of impotency to which American judges have been reduced and have urged the restoration to them of some of the powers which they enjoyed originally at common law and which in England they enjoy to-day.

In other respects the English methods of administering criminal justice are acknowledged to be decidedly in advance of ours. The New York State Commission on the Law's Delay reported in 1903 that it was "profoundly impressed" with the English system of procedure and asserted that the English courts from having been the most dilatory in the world have become in recent years the most expeditious. The Commission further declared that we "could not do better than adopt some of these modern methods of procedure which have been so thoroughly tested in England and have proved to work so well." The difference between the efficiency of the English and American methods of

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procedure is well illustrated by the Rayner and Thaw trials. In each case the facts were very similar and the plea was the same, namely, insanity. In the Rayner case the trial was started within a few days after the offence was committed, the jury was selected within an hour's time, and the trial was completed and the murderer convicted before the end of the first day. Thaw was brought to trial months after his crime was committed, and he was finally sent to an insane asylum after two trials which dragged through a period of a year and a half. Had he been convicted, appeals, reversals and new trials would have followed, and ultimately the case would in all probability have been carried to the United States Supreme Court. In any case there is no reason for believing that he would have been punished, if at all, within at least three years after committing his crime.

The English Master of Judicial Statistics in the letter to Hon. Joseph H. Choate already referred to, describing the promptness and despatch with which trials are conducted in England, stated that twenty-three judges handle all the litigation of England and Wales with a population of about 32,500,000 and that they actually try and determine an average of 5,000 cases a year, or more than twice as many as are tried by forty-three judges in New York and Kings Counties.* As I write, July 1st, 1909, there lies before me a copy of a news despatch which states that the English Court of Appeal has decided practically all the appeals that were on the docket at the beginning of the present term and that it is now disposing of cases that have been down for hearing less than five weeks. This seems wonderful indeed to us who are accustomed to a system under which our appellate courts are usually from one to three years behind with their dockets.

There is no longer any excuse for the retention of our present system in the form which it has come to possess. It is totally inconsistent with the standard of civilization which we have attained in other fields, and especially with our reputation for doing most things more rapidly than any other people. It is refreshing to note that the most candid members of the bench and bar are beginning to take a more common-sense view of the purpose of a judicial trial and are joining in the agitation for reform.

Everywhere state and local bar associations are discussing pro-

* This letter is published in the Report of the New York Commission on the Law's Delay, p. 76.

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posed reforms and are appointing committees to investigate and report. The law journals and magazines are likewise turning their attention to the subject, and the state legislatures here and there are considering practice acts, the purpose of which is to provide a more simple, inexpensive, certain and expeditious procedure. We have reached a point when the lawyers and courts should take a different view of the fundamental purpose of a judicial trial, should manifest less disposition to subordinate substantive justice to matters of technical procedure and should proceed more on the theory that the primary purpose of a system of criminal justice is to protect the innocent members of society rather than the criminal class. Our present system which resolves all the presumptions of the law in favor of the criminal and none in favor of the outraged community had its origin in an age when there were over one hundred capital offences in the criminal code, when the accused was denied the right of counsel and all the other safeguards now thrown around him, when a jury was liable to be fined for contempt for returning a verdict against the Crown, and when offenders were cruelly punished for insignificant offences. The old severity of the penal code has long since passed away, yet the ancient procedure with all its loopholes of escape and all the safeguards and presumptions in favor of the criminal is, to a large extent, still retained. It is largely inapplicable to present conditions, and in the interest of justice, as well as social order and security, it ought to be modified, as it has been in England, where it originated.

JAMES W. GARNER.

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MR. PETT RIDGE'S CLEVER BOOKS.

BY W. D. HOWELLS.

It cannot always happen that an author's last book is his best; but in Mr. W. Pett Ridge's case "Splendid Brother" is at least one of his best; and I am glad of the occasion it gives me of writing about him and paying him a debt long due from me for many pleasures. It is now a great while since the first thing of his which I read seemed to me so very life-like that I knew it was not merely a transcript, but that sort of truth which fact precipitates after passing through the alembic of a friendly imagination. The result of the distillation in his case has been nearly always, if not quite always, a rendering of what we call, from self-avowed superiority, low life; but there has been a frequently recurrent, if not constant refinement in the processes, with always the same material; while in the perfecting of his power of showing and saying how the life of the lower classes looks and talks and thinks, he has made himself a place in literature where he is unrivalled.

He is not the less precious to me because I know where he came from, out of what Dickens Land, with bits of its grasses and leaves and brambles and artificial flowers sticking to him. The best of Dickens was his London low life, and though he was of such a make that he could not give it as it really was, whatever in his soul he might have liked to do, still he did show it in forms which could not be mistaken for figments of his controlling romanticism. In the historical order such a master had to be, in order to teach some pupil to surpass him. The like is always happening in the arts, and I need not go into the proofs; it is enough to turn from one of Dickens's rough exaggerations and caricatures to Mr. Pett Ridge's work for traces of the earlier master's tricks in the effects of the later master. Both view their

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material ironically, but when their irony is about to take noble form under their touch and become beauty, the irony of Dickens slops into sentimentality, and the irony of Mr. Pett Ridge rises to sympathy. Both put their trust, up to this point of difference, in the trick of presenting their humble characters as Mr. and Mrs., and Master and Miss; but that is no longer the telling device it was with the earlier humorist, and I wish that Mr. Pett Ridge would risk presenting his types without these derisive addresses. I would the more willingly chance finding a greater pleasure in having him speak of his lower and even lowest class people by their Christian names or their surnames without the mocking convention he uses at second hand, because I find that sort of people sincerely treated in the novels of other nations without loss of humor, and with much gain of verisimilitude.

But this is not a very vital matter, and still less vital is the fault for which I will blame him before I begin specifically praising him. I mean that ungainly fashion, when writing dialogue, of putting the verb at the beginning of the descriptive clause, as in "'You're right, you little dear!' agreed Mrs. Watson," and "'Watson!' interrupted Mrs. Malden, commandingly," and "'I'm all over offers,' retorted Miss Trentham sharply," and "'Never no more,' said the ferret-faced girl from Canning Town cunningly"; and so on in a thousand other instances. Twenty years ago everybody wrote descriptive clauses so; it was part of the author's flip superiority to his subject and ease in treating it; and though many writers still use the form, it is the more pity in Mr. Pett Ridge because his style is habitually so good and so straightforward. He carries the fault into his last novel, "Splendid Brother," but there I fancy it begins to disappear. His verb is apt to arrive modestly at the place where he would put it if he were speaking instead of writing; and that ironical ceremoniousness in addressing his lowly characters in order to enhance the humorous conception of them is mainly a thing of the past.

These are defects of manner, but in "Splendid Brother" there is a defect of method which for want of others I will impute to Mr. Pett Ridge for blame. I mean that superfluity of plot in the excellent drama of character which grows more irksome as the story goes on. The notion of the younger brother's devotion to the wholly unworthy, to the effectively worthless, elder brother

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is so charming and real, that it is a pity to overwork it; but the author certainly does overwork it, and to the very end keeps up the younger brother's illusion of the scamp's greatness and goodness when it could persist only through the imbecility of his worshipper. I do not know whether this is more or less intolerable because it is somehow made compatible with truth to character in all the persons of the story. Somehow, with these strands of artifice in his hand the author does keep close to Nature; and you believe in his people though you do not believe in what happens to them.

Perhaps you believe in them the more willingly because you cannot have read the author's books without giving your heart to him, if you have a heart to which certain traits of his are dear, like kindness as well as clearness of eye, mercy as well as judgement, a temperamental patience with Providence, a disposition to find a world where pain and hunger and cold and death are, still a world which is rather pleasing and always entertaining, with a prevalence of comedy in spite of a recurrence of tragedy. It is such an immense relief to be with him away from lords and ladies that one's freedom from them in his fiction is a positive pleasure; there is scarcely anywhere a title above knighthood in his fiction; but though it often has to do with the poor and the very poorest, it does not grovel. Having once done its whole duty by poverty and crime, by domestic service, by frugal domesticity, by the venial vices of tipsiness and slander and the misuse of aspirates, it has latterly shown a disposition to rise self-respectfully in the social scale, and to deal with the life of young married people who from very decent beginnings are themselves rising in the world without the shame and pride constituting snobbery. I am saying this with the amiable and admirable story of "69 Birnam Road" especially in mind. Though "Splendid Brother" is the latest of Mr. Pett Ridge's books, "69 Birnam Road" is much more modern, much more his last word in art. I say this remembering such differently excellent stories as "Name of Garland," "A Breaker of Laws," "A Son of the State," "Mord Em'ly," "Erb," "Mrs. Galer's Business," "The Wickhamses," "Thomas Henry," and the several collections of studies and sketches which form with these novels the output of Mr. Pett Ridge's most graphic, most agreeable talent. His gift as I have already sufficiently suggested, if not actually said, never tran-

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scends London, except the more effectively to return to it; and mostly his mind finds ample room to orb about inside of the Four Mile Radius. His mind carries his readers' minds with it in these revolutions to such effect as to make them share the constant charm he finds in the immense, motherly, plain, simple metropolis; but "69 Birnam Road" actually begins as far away from that London suburb as Boulogne, where the tall dark middle-class bride of the short fair middle-class young railway clerk forms the acquaintance of a certain Grosvenor Square aunt and nieces, who are as perilously near high-life as the story ever comes. The ladies have really nothing to do in it but be, the elder her unpatronizing, and the younger her adoring, friends, and the story itself has little to do but to record the processes by which the commoner husband equalizes himself with his uncommoner wife in perfectly natural and probable, if not inevitable ways. There are little events, there are incidents enough, but character is the great thing, and this is portrayed not by the constant interaction of the natures of the pair so much as by their relation to their environment, to her family and to his, to their all but inexpugnable lodger, to their briskly independent and devoted kitchen-maid, to the husband's superiors and subordinates in the railway office, to the music-pupils whom the wife keeps on taking, to the worthless friend whom she wastes herself in the endeavor to "save." The thing is done with a skill so far from caricature that there comes naturally and convincingly into the drama a good, kind, common mother-in-law, whom the young wife loves and the son honors, all without artifice or pretence. The pretty situation is humorously imagined, like Mr. Pett Ridge's other situations, even when some of the elements are tragical (they are never so false as to be wholly tragical), but it is not burlesqued; and I like the story especially because it seems to me, rather beyond the wont of the author's stories, to deal truly and justly and reverently with the nature of women. All his stories measurably do this, whatever the women are; they are so just, so beyond generosity, that short of "votes for women" they come nearer doing the duty of men by women than anything else I can think of at the moment. Many authors are praised for a "knowledge of women" which is usually evinced in the trick of the feminine inconsequence of thought and speech, but Mr. Pett Ridge seems really to understand them: their nobility of

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character, their courage, their goodness in circumstances which would turn men cruel, their superiority to origin and environment, their gracious-mindedness, their maidenly, wifely, motherly devotion to all types, good, bad and indifferent, of the other sex, as well as their lightness, weakness, narrowness; their often vulgarity, whether in high life or low; their readiness to flirt and to make fools of themselves as well as of men; their deceit and insincerity, their suspicion and jealousy, and the other ugly traits that deform their character, and are at least as much a part of their natures as the corresponding defects of their qualities are in men.

Seeing how very exceptionally well Mr. Pett Ridge paints his socially superior women, who are never socially superior to excess, but are dear and lovely persons, true ladies by nature and by self-breeding, like the young wife in "69 Birnam Road," it will not do to dwell exclusively upon the pleasure he seems to find in realizing so convincingly and so surprisingly such below-stairs persons as Mord Em'ly, Winnie Garland, Flossie in "69 Birnam Road," Caroline Hooper in "A Breaker of Laws," the poor girl who is the heroine of "Lost Property," Annie Garrett in "Thomas Henry," Mrs. Galer in "Mrs. Galer's Business," and the like quick-witted, quick-tongued, clever-minded and right-hearted girls and women in his other stories. It is his peculiar good fortune to be able to present these persons rather truer to life than they could present themselves, with their better natures showing through their worse conditions. Nothing more democratic has been achieved by literary art, nothing more consoling or encouraging to such as hope for beauty only from truth. The wonder of these excellent figures is as much in the reticence and moderation as in the delicate accuracy with which they are rendered. It would have been so easy to have overdone them, to have painted them low-life heroines, instead of sheer serving women, faithful, affectionate, able, honest, decent and often wise beyond their betters, with a distinct conviction of their rights and a just sense of their privileges, and with their hearts always, if their aitches seldom, in the right place.

Mr. Pett Ridge proves himself a master in such matters. He is peculiarly a master in his rendering of youth in every phase, and particularly of youth in love; yet he knows his cockney youth of both sexes not only as lovers, but also in

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those relations of son and daughter so apt to be blinked by "passionate" fiction. There is, thank heaven, very little "passion" in his fiction, though abundant sweetness and absurdity in the love-making as there is in love-making outside of fiction. He is primarily a humorist, and it is inevitable that he should regard his lovers, wedded and unwedded, humorously, while he does not ignore their potentialities of pathos. I wish I could show how admirably he does this; I venture to suggest that it is in his habitual employment of oblique narration that he is able so fully to impart a sense of character, and vividly to supplement his life-like dialogue. By this means, though not by this means alone, he makes the reader a silent partner in the story-telling enterprise, and as privy to its progress as himself, almost. The reader may well pride himself on helping tell the stories so well, for they are well told, with a confidence which is oftenest manifested in a device not employed, to my knowledge, by others. A certain event is portended, and then, suddenly without formal proclamation, the event is accomplished, and you are in the midst of the result, with a distinctness, more than anything else like that expressed by the dial of the taxicab, when suddenly, after the charge shown is seventy cents, you look again and find it is eighty cents; and you have come just so much farther on your way.

I should very inadequately indicate my sense of Mr. Pett Ridge's scope if I limited it to recognition of his excellence in painting the female figure. His men of every age; his youth and boys, down to the very babies, are wonderfully well done. They are all of that vast London world of his, or so nearly all that the country folk do not count, or do not count as country folk. They become as essentially Londoners in coming to it, as if they had been born to it, like the family in "The Wickershams"; or for that matter like Mr. Pett Ridge himself, who probably owes to his country origin the insatiable curiosity about London he makes his readers share with him. His Londoners are of every calling and of every station below those bald and arid heights where society dwells. Good or bad, they are always for the reader delightful husbands, fathers, brothers, friends, but they are perhaps most interesting as the sons of worthy or unworthy mothers. The very nicest touches of Mr. Pett Ridge's art are given to portraying one of these sons, the son, namely, of Mrs.

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Galer, as a prig, springing from the London soil, but flourishing in the air of the National Schools into a true use of aspirates, and a shame for his beginnings. It almost breaks the heart to find the son of Mrs. Galer going that way; and it is a throb of grateful joy that the reader shares with the mother when the young penitent saves himself in the last chapter, and remains as true to her as she to her laundry.

I have the belief that a conscientious agitator and labor leader, whose self-education does not embrace the last niceties of speech and manner, but whose head is clear and whose purpose is unselfish, has never been better done than in Herbert Barnes, whose nickname of "Erb" gives the title to his history. I do not recall any of Mr. Pett Ridge's stories which are wanting in shape, but this is one of the shapeliest, and deserves to rank for form with "69 Birnam Road," or "Name of Garland," or "Mrs. Galer's Business." It arrives at a satisfactory conclusion by a series of probable events from temperamental impulses; and if there are readers so public-spirited that they cannot reconcile themselves to "Erb's" preference of certain private happiness to uncertain public usefulness, there are none who can deny that he had just cause to withdraw from the service of suspicious partisans and unjust censors. Here, however, the question is not of what such a man should do, but of what he would do, and it is evident that the author truly reports what "Erb" did.

His character is as firmly grasped, as subtly felt as that of the thief-hero in "A Breaker of Laws." The dishonest nature has been treated often enough in fiction, from the time of the picaresque novels down past the age of romantic footpads and burglars to our own time when the criminal is so habitually outwitted by the detective; but I doubt if it has ever been so thoroughly appreciated, so simply, so unsparingly yet so mercifully shown. You are made to appreciate the kleptomaniacal passion as something pathological, like the passion for drink, and in the given case you have a scientific insight of the indolence, on which it bases itself, as physical disease. In the end the born thief dies of the tuberculosis to which he was also born; but it would be a mistake to imagine that any sentimental means are used to bring the reader to final compassion. He is no more provoked to tears for the dying thief than he was provoked to laughter by the picaresque hero; throughout the story is in-

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tensely *business,* and the misery that the thief makes for others as well as himself is something that he is ultimately made as sensible of as the reader is.

It is not to be supposed that the author's intention in the story was either ethical or scientific. As an artist the æsthetic value of his scheme was chiefly precious to him, and his allegiance to anything else is expressed solely by his devotion to the truth. To get it like, to keep it faithful, to guard himself from the temptations of the heroic or romantic was his affair, and if from his negative virtues positive good resulted it was not to his honor and glory, but the honor and glory of the truth. His thief is one of the denizens of the London world in which nothing seems to have been lost upon the author, at least on those planes where he chooses to study its life. If it is objected that whole classes and orders are left out of his London, it may be answered that the immeasurable majority of Londoners are of the classes and orders which he peoples his fiction from. His excellence for me, his perpetual charm, his unfailing art is shown in his showing his Londoners as they really are. The lowest of them are not merely squalid, the highest are not merely splendid. They have at the worst the qualities of their defects, and at the best they are not so good or so beautiful that they bore me. I might say that he has perhaps a furtive kindness for the great (as the persons of the fashionable world used to be called), but before I openly accused him of this, I should like to think twice. I should have no more right to accuse him of it than I should have the right to blame him for inviting me to believe in the lovableness of the lowly, as he so often and so successfully does. In the mean time, I cannot wonder at his so habitually preferring the company of the poor. It is one of the compensations for much privation and discomfort that their conventions (and they have their conventions) do not hamper their natures. It has been noted by American observers that all classes of the English are rather simple, or at least far simpler than we Americans are. They are apt to do and say outright things, whatever their order or degree; only, on the upper levels of life their wilfulness seems oftener stupid and more mischievous than on the lower. If we are to credit Mr. Pett Ridge, the average lower middle-class cockney, down to the lowest, has not only the wit of proverb and slang, but very often a personal

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drollery, a delightful irony, a gay banter which the visiting American does not find at the tables of his superiors where the American resorts, and where he finds his best jokes ignored. If I might say it without wounding the just self-love of such Americans, I would say that the most characteristic mood of Mr. Pett Ridge's cockneys was an American mood. Their attitude toward life seems like ours; they quickly seize upon our slang, and adapt it to their conditions, or use it unchanged in the original package. If this is giving my nation away as plebeian, as middle class, as lower middle class, I shall be sorry for such of us as it wounds, but I shall always be ready to defend, to glorify our nation for that very reason. Our commonness is what makes us a great family, and keeps us interested and interesting; and the few of us who are not of that commonness are almost as dull, dry and tiresome as the American finds the English upper classes when he finds them at home. Our commonness springs from the solidarity of our conception of life, and it is a pity for us when our experience denies this, for then we lose our zest in which our charm mainly lies.

Such of us as are of Anglo-Saxon extraction (by which I mean Scotch, Welsh and Irish as well as English extraction) find in our novelist's London the homogeneity which we miss more and more in our poor dear, demoralized, distracted New York. Our likeness, one to another, is national, not municipal; and the New York Anglo-Saxon is more likely to find his mate in Chicago, or Boston, or Cincinnati than in First Avenue or Eighth. But it is different in England, in London, and of such unison is the imperial heart-beat that the same pulse is felt in every provincial. It is probable that the English-speaking reader of Mr. Pett Ridge, no matter in which of the seven seas he has learned his mother tongue, will find himself more brother to the people in these amusing and convincing books than to those in the polite fiction which ignores the London of "Nearly Five Millions," with the multitudinous dwellers "Up Side Streets," and in the simple-hearted suburbs.

Quite imaginably London will change, but it will not change so quickly or so thoroughly that the London-nature in these stories will not long know itself there. We who live as far away as five days or three thousand miles can put us, but have our frequent summer glimpses of the great plain mother of all

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Anglo-Saxon capitals, can rejoice in the traits and features reflected in a glass which does not distort them; and if we will not acknowledge that they must be like the originals because they are so largely like our own, still we can recognize their likeness.

At the risk of seeming to say the thing over again, I wish to note the prevalent cheerfulness of their huge, dim, straggling world. They have a gayety under their dun sky which serves to light it up as with a luminous electricity; and an agility of wit which gives their work an effect of sport. As Mr. Pett Ridge sees them they are nearly always at work, heartily, gladly, and eager to rise in the line of their calling. Clerks, shopmen, artisans, servants, small officials in railway companies, expressmen, subordinate civil employees, landladies of lodging-houses, teachers of lower grade, these form nine-tenths of the population in his densely peopled fiction, and I warn in time those patrician readers who do not care for

"Their homely joys and destiny obscure"

that they will find little to their liking in it. They will find scarcely any one in it with whom they can associate on equal terms.

At a go, I should say that Mr. Pett Ridge has done for the humbler London world what Anthony Trollope did for the fashionable world, and has done it with an equal pleasure and equally simple fidelity to its many phases. As far as its lesson to literature or literary art is concerned, I need not insist. The author's success comes from his truth to his environment in no unconscious or involuntary wise. He is quite as wide awake as any of the agile-witted folk whom he hears and sees about him, and makes us hear and see with him. He paints them because the passion of his genius is for them, and because he exults in their overwhelming, their inexhaustible abundance. Their homogeneity lends itself to his love of them; to see such a mass of humanity as a whole and then to project the chosen figures individually against the mass, is his fascinating employ and the source of a success which I should wrong if I exaggerated it. But I may at least praise it as his immense good luck. It is great good luck, but not perhaps the greatest good luck. In fact it seems to me, here at the end, that it is no greater luck

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than that of some born artist who finds himself in a meagre village, and makes a London, makes a world, of it by truly seeing, by truly showing, its life. In this sort there is no comparative. The opportunities of art are all positive; the subject is in the artist if he is true to the object outside of him. If in this I am taking back what I just said of Mr. Pett Ridge's extraordinary fortune, perhaps it was time to do so. I had really no wish to dwarf his achievement by saying that it came from his opportunity. It is on his achievement rather than on his opportunity that I could wish to congratulate him. Perhaps some lover of Manhattan will yet arise who will find her picturesque and dramatic heterogeneity his opportunity and make it his achievement. But I do not see him yet. Stephen Crane might once have been he.

W. D. HOWELLS.

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THE APPEAL OF POLITICS TO WOMAN.

BY ROSAMOND LEE SUTHERLAND.

If there is truth in the theory that anything desired earnestly enough and sought with sufficient persistence in time becomes a fact the friends of women's suffrage should take heart. We easily remember when only a few devoted women espoused the cause. Now it has become an avalanche, crowded on by the thought force of millions—not of women alone, but of the most enlightened and level-headed men—the leading statesmen of the day, not only in America, but the wide world over—penetrating even the ancient shadows of the Orient. Whether the ballot—a voice in the political organization—is necessary to the women of America may be reasonably disputed. To my mind they are doing exceptionally well without it, but no man or woman cognizant of the facts and capable of giving serious consideration to them can reasonably deny that the voice, the mind, the influence of women, would be vastly helpful in the development, the preservation and material advancement of our country. In other words, it is becoming more and more apparent that woman in America is essentially desirable as a factor in the field of political activity.

Why men, however ignorant or feeble-minded, just because they are men, should be credited with exclusively possessing a Heaven-bestowed ability of governing, to which women, whatever their training or mentality, may never aspire, must forever remain one of the unexplained mysteries. That even men are not all qualified for the ballot or entirely beyond criticism in its use might be suspected by the unregenerate from a perusal of the newspapers, say, at the time of the recent election in New York City, or any other large city, for that matter. When the ballot shall be given to women—as it is sure to be sooner or later—is it thinkable that

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any of them will make a worse use of it than some men are now doing? On the other hand, is it not quite possible, indeed, is it not probable, that there will be an improvement?

It has been argued adversely that to give the ballot to women would but double the vote without affecting the result, as most women would follow the party convictions of father or husband, but if danger of doubling the vote through a tendency to follow a husband's or father's footsteps is a valid objection to giving the franchise to women, then as a general proposition a man's sons should not be given a vote for the same reason. Our politics as well as our religion are, after all, largely matters of inheritance and environment, and if the objection is good there should be but one voter in the family—the head of the household. If death has removed the father, for example, the mother is, or should be, the head of the house and the property-owner. Why should she not then be the one to cast the vote? It might really be a better plan than the present system under which large property interests must often go wholly unrepresented, except on the tax list, until a son becomes of age.

The distinguished former Minister of China, Mr. Wu Ting Fang, said in effect that he believed in equal suffrage for this country because he had met so many educated and intellectual American women perfectly competent to exercise a voice in government, but he deplored the fact that it would be necessary to include so many ignorant and unintelligent women. What about the ignorant and unintelligent men who vote? Does that phase of the question trouble anybody? Well, incidentally we are arriving at a general impression that a qualified voter, regardless of sex, should be reasonably intelligent, should possess some education, perhaps be the owner of some property and a citizen interested in good government. If these general qualifications were required by law no one need care whether the individual qualifying was a man or a woman, and who can deny that the ballot would be immeasurably elevated and purified thereby, even though capable women were to take advantage of the opportunity and vote. On the other hand, that the entire question, with all the grave responsibility involved, should be simply one of age and sex is unjust and absurd.

Coming, as I do, from a State which conferred the dignity of the ballot equally upon its men and women citizens at the time

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of its admission to the Union in 1896, I have seen some of the practical workings of the system and I feel sure that the men of that State whose opinions are valuable will agree with me that it has been a success. Very nearly as great a percentage of women as of men exercise the privilege. The Australian ballot is used and I venture to assert that the average woman votes quite as intelligently and often more conscientiously than the average man. Most men participate to some extent in political life, and they do so from motives as varied as their temperaments, many, of course, from a high desire to serve their State and country to the best of their ability. Others do a certain amount of perfunctory political work because it seems an obvious duty of citizenship, while altogether too many others exercise the right to vote without the slightest appreciation of the grave responsibilities involved. Women will enter the arena in the same serious, conscientious spirit with which they go about everything—their club life, for instance, which is solemn and earnest enough, Heaven knows. One woman by herself may be foolish and frivolous enough to please the most exacting man; but woman *en masse* is a different proposition. Let a number of women combine for any purpose—they rarely amuse themselves or accept events lightly, but usually proceed to make a life-and-death matter of everything. That very quality of earnest concentration might, however, prove a winning card in politics. Women possess, besides, qualities of patience and persistence to an almost alarming degree, as illustrated in this very struggle for a voice in their own affairs. It will never be necessary in this country to resort to the drastic militant methods of our English cousins. The women of America will win out by patience and persistence rather than by the resort to more spectacular methods, and they will carry these characteristics with them when the gates they now assail are opened and they enter the political arena.

Long centuries of enforced devotion to small affairs have developed in woman a genius for detail; a quality in which men are often deficient, but a talent obviously as desirable in governmental housekeeping as in the domestic household. Judge Grosscup, of Chicago, in a recent address to the Ossoli Club, the woman's auxiliary of the Highland Park Club, is reported to have said, among other uncomplimentary things about women, that they could never be successful in the manly professions, in

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which he includes scientific research, because these professions require so much attention to minutiæ, and, while declaring woman to be essentially a creature of detail, he deplored her inability to consider more than one detail at a time. Would it not be fairer to put the proposition the other way about—instead of condemning woman's inability to pay attention to more than one detail at a time, commend her ability to concentrate her mind upon one thing at a time, which has always been regarded as rather a valuable accomplishment? In the very professions in which he says women can never succeed, women have signally succeeded—who does not know of them except Judge Grosscup?—and in many instances that genius for detail was the secret of success. He admits that he knew one successful woman lawyer, but that, unfortunately, she began her career by throwing an ice-pitcher at an offending judge. If she rounded out a successful career, and only threw one ice-pitcher at one judge, does it not speak well for the forbearance of the individual and of the sex. He neglects to enlighten us as to the character of the provocation, or to furnish for comparison a list of the lawyers of the more self-contained sex who have been guilty of like turbulent conduct. Even in the austere halls of Congress great men have thrown things—epithets, books, canes, inkwells—at each other more than once or twice, as the Sergeants-at-Arms, who have removed the débris, can testify. Fights between men lawyers in our court-rooms find passing reference in the local columns of the newspapers and are forgotten, but if one woman lawyer throws an ice-pitcher at a judge—he was probably exasperating and deserved it—the incident goes down in history, not as the idiosyncrasy of an individual, but as a black mark against the sex. Even in her restricted sphere woman's talents have wonderfully beautified and enriched the world, and they will continue to beautify and enrich increasingly as her field of usefulness broadens.

According to Professor Heydeman, of London, women are morally, mentally and physically inferior to men and but a shade in advance of the chimpanzee. (I trust the professor is an orphan and a bachelor.) Further, he predicts that the difference is certain to increase, because men are bound to progress while women will not. He says this is a law of evolution. It is a law hitherto unknown to science, that one-half of the human

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family should continue on the spiral path of progress while the other half remains undeveloped. All his wonderful discoveries have been made by the simple method of measuring a few skulls, and finding that, as a rule, the skulls of men measured more than those of women. He does not find it necessary to consider that men's bones are all larger, as a rule, than those of women, or that the matter of race might count. With all due respect to the learned professor with the tape-measure, I have seen some very dull men with large heads. Individuals of the human race are supposed to inherit their traits of character, their tendencies—moral, mental and physical—from their progenitors. This being true, is it not fair to imagine girls sometimes inheriting the mental strength of the father? It would be palpably absurd to say that girls inherit only the traits of their mothers, or that all the best and most brilliant in a father was always the birthright of his son. Such a condition is not even approximately true, yet it would have to be wholly true to bear out Professor Heydeman's theory of man's development. While heredity is much, environment is perhaps more. During the impressionable plastic years of childhood every boy as well as girl is under the direct management and influence of some woman and subject to the atmosphere and environment she provides. The great and good men of the world are eloquent witnesses of the tender wisdom which moulded them and secured the environment necessary to their development. It is worthy of note, Professor Heydeman, that when a boy goes wrong, it is often said that he had the unfortunate example of a bad father before him, but when a great man is being eulogized the last word usually is, "He had a remarkable mother."

It has sometimes been suggested that it is not quite womanly for women to insist upon the right to vote, that women are too good for politics, that in some mysterious manner the exercise of the high and sovereign rights of citizenship at the ballot-box is degrading. If women are too good for politics, it might not be altogether illogical to suspect that politics need bettering even for men, and, as "a little leaven leaveneth the whole lump," may it not be just possible that, instead of women being brought down by contact with politics, politics might be lifted up a little by contact with women?

A recent article on the subject of equal suffrage objects to the

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ballot being given to women because of their inexperience. Is there any way but one to gain that experience? The stress laid upon this argument might almost cause the frivolous to smile. As sensibly might a mother say: "As soon as my daughter can play well enough I shall allow her to begin using the piano. Never having tried, she is yet too inexperienced." How did men gain their experience? This, in reality, is precisely what woman wants—what she is asking for—the opportunity to gain the necessary experience. The same writer suggests as a balm and a bit of good advice that if the high-born women of England and the influential women of America would use their influence and prestige in quietly co-operating with men to effect remedial legislation much good might be accomplished. Again, the opportunity to do just that is precisely what women are asking. Unaided and against opposition or with faint encouragement, women have already secured many benefits to humanity through remedial legislation—or without it—but believing they can much more effectively co-operate with men, accomplish infinitely more for the race if standing upon an equal political footing, with a real voice and an effective vote, the "high-born and influential," or better, the earnest and intelligent women have determined that there is a place of greater usefulness for them in active politics to be satisfactorily filled by them only through the equal franchise. And is it not true? Are there not many ways in which the active voice, as well as the passive influence of women, is sadly needed in remedial legislation to-day? Does not the cause of working-women need serious attention? Would not schools, hospitals, charitable institutions, be better managed if women had a voice in their control? Men and women work shoulder to shoulder as teachers, clerks and in countless capacities as wage-earners, but the men almost invariably receive much better salaries, not because they do better work or are more trustworthy, but simply because they are men; which is unjust, illogical and all wrong. In the State of Utah, for example, where women have a right to vote, there is a statute requiring that women teachers in the public schools shall receive the same salaries as men teachers when of equal grade and standing. The crying evil of child labor would surely be eradicated were women instrumental in making and enforcing the laws. The fact that children from six years old and upward are allowed to work in cotton-mills,

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that young boys spend their childhood in glass-factories and coal-mines, to be mentally and physically crippled and remain undeveloped, is a horrible blot on our national escutcheon. No cry of suffering childhood can pass a woman's heart unheeded. To safeguard the children is to insure the nation's future, but the protection and relief of children is a detail in the scheme of government which men often seem to avoid. The evils of child labor have been discussed on the floor of the Senate and in the press, but little has come of it. The making of tariff laws, the building of the Panama Canal, the regulation of railways, the establishment and opening of waterways, all matters of importance in themselves, absorb the attention of our legislators, while the welfare of thousands of helpless children, their health, their very lives, seem little things altogether too readily overlooked or ignored. Men know but do not always seem to appreciate the vital fact that the children of to-day are the men of to-morrow. In developing and realizing the mighty dream of perpetual, international peace, woman's voice is needed, and her active instead of passive co-operation would be productive of incalculable good. Men cannot realize as women do, through generations of effort from their obscured position, how hampered is their every word and act by their political inferiority. The wonder is that they have kept their courage and accomplished so much already without the recognition which they manifestly deserve.

Men have played a lone hand at government since the dawn of time. Since the days when they clubbed their mates, and dragged them to their caves by their hair, up to the still chaotic and imperfect conditions of to-day, with unsolved problems, with bad laws on some subjects and no laws on others, men have needed help and they still need it. This help the women are now proffering and wise men are recognizing the wisdom of accepting it.

To me the idea of the dominance of either sex is thoroughly repugnant. I deplore beyond expression the thought, too often advanced, that women desire to usurp the prerogatives of men. The fairness of women to men is as important as the fairness of men to women. Neither man nor woman should be thought of as superior. They are simply different. One is the complement of the other, and it takes both to compass, successfully, symmetrically and perfectly, the situations and problems of life. Men and women cannot work together successfully for the good

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of the world so long as man insists upon standing on a pedestal of his own construction and keeping woman an appreciable step below him. But swift changes are taking place.

The emancipation of woman is a natural evolution which can no more be stopped than the tides of the sea. It is a thought-force sweeping the world. The women of Denmark and Sweden, France, England and Canada, are making determined efforts for recognition. President Fallière, of France, in a speech at Paris, October 30th, said that he hoped himself to see equality between the sexes fully realized; that he believed women should be on an equality with men in actual life, with the same laws for both. The women of New Zealand vote and have done so for years, but are beautifully feminine, nevertheless; they seldom speak at political meetings, but do no end of political work among themselves and in winning over doubtful voters. Lady Ward, wife of the Premier, says that, though the women are intensely interested and well informed upon all political propositions, they are exceptionally feminine, and the homes of New Zealand are ideally domestic. President Taft, in a recent speech in Alabama, said that he would advocate woman's suffrage when *all* women wanted it. We must persuade him to go a little farther than that, for the condition is obviously impossible. Why should we depart in this instance alone from the time-honored maxim that the majority rules? It is urged that all women do not want the ballot and would not use it were it granted. That of course is true. Not all the slaves of the South were able to comprehend emancipation, not all of them wanted it and some remained voluntary slaves to the hour of death, but that did not affect the principle. Many men also fail to appreciate the duties and privileges of citizenship and do not vote. They are drones in the political hive. Some women might also be in the same class. But that does not affect the real question.

We are told that women have other duties. True. So have men, quite as exacting and necessary; for while woman is the home-maker, man is the wage-earner. Of the two perhaps there are more women to-day not vitally bound by domestic ties, but free to live their lives as they will than there are men free from similar demands; and I see no good reason why their country should be deprived of their help solely because they are women. It is not many years ago that even here in America it was devout-

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ly believed that only the boys of the family should be educated; that girls must simply be trained to the drudgery of the household. But the world does move and woman has ceased to be an automaton. Every day she is becoming a more important factor in the world's work. The gates ajar must be swinging wide indeed since the Royal College of Surgeons in England announces that from January 1st next it will admit women to examinations. One by one the barriers are breaking; and in some near day we shall have reached, through experience, a sane and civilized idea of the value of co-operation of the sexes in all questions of business and political economy. Our children's children will look back with wonder to the time when their mothers had to struggle and plead for justice and fair treatment from the men of their day.

Even so recently as in Jane Austin's time, it was considered indelicate for a woman to write a book. Her position in the journalistic field to-day speaks for itself. But in all this struggle for emancipation one pregnant fact appears: every step has been a step forward. No advantage gained has ever been relinquished. Woman is everywhere to-day in all the arts, the sciences and the professions; and her activities in every field of endeavor wonderfully illustrate her power and flexibility of mind and suggest that all that is needed for her ultimate success in whatever she elects to do is opportunity. *The opportunity!*

I am not a member of any suffrage association, but I had the honor to be asked by my home State to represent such an organization a year or so ago when a plea was being made by women for a constitutional amendment before the Senate committee whose *duty* it was to listen. The States were represented by carefully selected women; no one could for a moment have entertained any question of their equality in every way with the men they addressed. Yet those solemn Solons only "permitted" a limited number of the women to make their little speeches, to which they listened with an air of bored resignation, although the remarks were so bright, concise, even eloquent, and so unanswerably logical that men accustomed to listening from day to day to speeches made in the Senate Chamber might at least have shown a slight appreciation. It was a sight to wring tears from the gods to see such brilliant, educated, cultivated women pleading with those men for the privilege of standing on the same plane with them:

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begging to be allowed an equal voice in the management of their own country with the ignorant riffraff of foreign nations scarcely able to read or write or speak the language—or any language. Of course the committee had no idea of taking any action in the matter, and when the allotted time was over it rose as one man and solemnly filed back into the Senate Chamber without a word.

At the same time when this committee was in session in the Senate Marble Room a similar committee of the Lower House was giving a hearing in the south wing of the Capitol on the same subject. Before this committee a bright little lady from Louisiana was presenting the views of the women of her State. In the course of her remarks she referred to the four States which had already conferred the ballot upon women. She was promptly interrupted by a member of the committee, who asked that she would "please confine herself to facts"; and assured her that no State had as yet committed the folly of which she spoke! *This* from a member of Congress, who evidently intended to use his vote and influence to withhold the franchise from women because they do not know enough to vote. *This* from a man considered sufficiently intelligent and well informed to be elected to Congress to pass upon all national problems, and who doubtless felt and still feels ably qualified to decide the question of woman's inferiority. He actually did not know a fact of such political importance as that women were admitted to equal suffrage in Wyoming in 1869, in Colorado in 1893 in Idaho and Utah in 1896.

The demand for suffrage is not sectional. It has its adherents in every State and probably in every town in the Union. Even our conservative and clinging sisters of the South are flocking to the standard. Nor is there any class distinction. The cause is equally dear to the heart of the woman of wealth, the leader in exclusive society, the professional woman and the shop-girl. It is no longer true that a woman is looked upon as idle, eccentric or a faddist if she declares herself an adherent of the cause. The vital strength of the movement is that the intelligent, educated, refined home-loving women of America are behind it. That is the reason it must and will succeed.

Some excited utterances of the less rational have given the very false impression that woman has an ultimate desire to

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dominate and assume the reins of government. This I know to be far from the truth. Few of those who give real strength to the movement have any sympathy with the methods of the "shrieking sisterhood." Woman is instinctively a home-maker, and where it is possible that is the life she chooses. But that vocation does not prevent her paying taxes if she has property. It does not exempt her from answering to the law if she commit a crime. It should not prevent her from taking an interest in the election of proper persons to make the laws she advocates and enforce them.

We are quite accustomed to having our grandmothers and their domestic perfections thrown at us as samples of what woman and woman's life should be. Incidentally I want to say that they probably had a very dull time of it and so did our grandfathers. How with all the wearisome, monotonous drudgery required of them, and little else in their gray lives, they ever survived long enough to become our grandmothers I cannot understand. They could and did spin, weave, knit and make all the apparel for the family. They had to prepare, preserve and cook all of the food and keep the larders and cellars stocked for summer and winter consumption. They were expected to wash, iron and churn and perhaps give the younger children a few daily lessons. For recreation they worked precious samplers with colored wools.

It is not the same Moloch of a world to-day which our grandmothers knew. We can buy our children's clothes infinitely better, prettier and cheaper than we can make them, not counting the cost of time and eyesight. We no longer stock our larders with a season's supply of comestibles of our own preparation. We have better methods of doing things to-day. Modern machinery has done inestimable service in releasing women from the treadmill of household labor. Grandmother's accomplishments would count for little even if one possessed them all. Even the cherished samplers have lost their charm.

The modern home-maker finds that with the aid of gas, electricity, the telephone, steam laundries, public markets, and the thousand conveniencies of modern life, her household machinery moves easily and rapidly, with a minimum of exertion to herself, so that with John's dinner ordered, the children safely off to school, she has plenty of time to read, to see her friends, attend

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her clubs—to study politics and vote, if she has the opportunity—and still do vastly better home-making than grandmother ever dreamed of doing.

It is just possible that if political equality had been ours from the beginning in this country, without the long and bitter struggle for it, we might have prized it less keenly. So all the more for the effort, when it comes—and it is so right that it must come—suffrage will be held a dearer privilege and more sacred possession by the women of America than it ever has been, or ever can be by the men, born to the purple. It is because the women of America are loyal and patriotic citizens; because they know the necessity of having good men in office; because they want good schools and the children protected from every evil that they may become good citizens in the future; because they believe that they can do infinitely more toward attaining these things if they stand on the same plane with their husbands and brothers, with the same interests and hopes that they are asking to be treated like reasonable human beings and given the ballot.

No one claims that *all* women are thoroughly conscientious or that their judgment would never be at fault. Neither do I think that all women would be benefited by the privilege of the ballot. I do not think that all men vote honestly or that all men should have a vote. Yet they *do* have it, to the exclusion of women; a great majority of whom are thoroughly worthy and capable. I do think that women to-day have as much spare time as men have to devote to affairs of state; that they are as much interested, quite as patriotic and have as much genius for citizenship. It is possible that in time men might have to look to their laurels, but that would rest with themselves. All woman wants is the force of the ballot to put the proper men in places of power. The tremendous impetus which the power of combined thought and purpose has given to the movement in America means victory. The very energy and volubility of detractors show it. Everything indicates that its opponents are weakening and that the fight against equal suffrage is obsolescent.

"The Moving Finger writes; and, having writ,
Moves on; nor all your piety, nor wit
Shall lure it back to cancel half a line,
Nor all your tears, wash out a word of it."

ROSAMOND LEE SUTHERLAND.

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THE CRISIS IN ENGLAND.

BY SYDNEY BROOKS.

After a debate of extraordinary vigor, brilliance and interest, the House of Lords on November 30th rejected the Budget. It is true the amendment they adopted did not in set terms throw out the Bill. The exact words of Lord Lansdowne's motion were: "That this House is not justified in giving its consent to this Bill until it has been submitted to the judgment of the country." The words were skilfully chosen. They gave an engaging democratic air to what was essentially an act of revolution. They enabled the peers to pose as the solicitous seekers of a sign from the people, as anxious only to refer the whole controversy to the supreme tribunal of the electorate. "In postponing a decision on the Budget," they said, "we are not opposing the popular will; we are endeavoring to ascertain what it is. Our assent has been asked to a vast and complex variety of financial proposals which all parties, whether they approve them or disapprove, agree in regarding as at once novel and momentous. We reply that we will give our assent when, and not before, the people have pronounced in favor of Mr. Lloyd George's measure. At present they have not been consulted as to a single one of its provisions; we have no means of knowing whether it is their wish that this Bill should become law or not; and we decline to assume the responsibility of legalizing so far-reaching and unprecedented an experiment until the judgment of the country has been definitely formulated. In taking that stand we are exercising our undisputed right to interpose a period for reflection before a legislative proposal becomes a legislative fact. If the mature opinion of the nation endorses the Budget we shall bow to its decision. But we do not consider ourselves justified, in a matter of such vital consequence, in taking it for granted with-

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out further inquiry that the country sanctions so extreme a departure from the established methods of raising revenue." Few peers, it is true, had the hardihood to develop a line of argument so transparently specious as all this. But their supporters in the press and their apologists on the platform are working it for all it is worth. That is to say, they are endeavoring to persuade the country that it is not so much their hatred of the Budget as the sensitiveness of their democratic consciences that induced the Lords to force an appeal to the nation.

One may safely dismiss such pleas as part of the general cant of electioneering. The Lords adopted the Lansdowne amendment because they hoped that in the confusion of a General Election, fought out on various issues and powerfully affected by multitudinous currents of feeling and opinion, the Liberals would either be defeated or their majority so signally reduced that the Budget would never again be heard of. Their objections to the Budget are perhaps already known to my readers, but, to bring the main aspects of this gigantic issue into focus, they must be briefly restated. The Lords, then, took first of all the ground that their legal right to reject a Finance Bill had never been either annulled or abandoned and that it remained a weapon in reserve to be used in the event of an exceptional emergency. The fact that it had never hitherto been employed—or never since the custom of embodying all the financial proposals for the year in a single Bill had become a settled practice—was merely a proof of the moderation with which successive Chancellors of the Exchequer had framed their Budgets. The Lords had objected to many previous Budgets, but they had passed them all; time and again they had subordinated their personal convictions and interests to their sense of what was demanded by the usages of the Constitution; and if they now felt unable to accept the Finance Bill of 1909 it was a *prima facie* reason for thinking that not they, but the provisions of the Bill itself were to blame. In referring it to the people they were taking admittedly an unprecedented step. But it was to meet an unprecedented situation. Mr. Lloyd George's Budget violated all the canons that Chancellors of the Exchequer had hitherto observed. It was, for one thing, more than a scheme for meeting the financial needs of the current year. Its friends hailed it as the forerunner of a vast social and economic revolution. Many

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of the taxes it sought to impose, and particularly the taxes on land, would by the Government's own admission cost more to collect than they would yield in revenue for many years to come. Many of the clauses it contained, such as those that set up the machinery for a valuation of all the land in the kingdom, dealt with projects that had no proper place in a professedly financial measure. Many of the arguments by which the whole scheme was defended, and indeed the cumulative effect of its provisions, not only paved the way for the nationalization of the land, but pointed clearly to Collectivism as the goal to which England was drifting. For the first time in British history the Budget singled out a special form of property for invidious attack. It was an attempt to popularize a policy of spoliation by setting the poor against the rich. It not only assailed capital, drove investors abroad, diminished employment at home and made every property-owner tremble in his shoes, but it also deliberately infringed the prerogatives of the House of Lords. The Lords had rejected in 1907 and 1908 a Valuation Bill and a Licensing Bill. They now found the worst features of both measures incorporated in the Budget. The Budget, in short, was being made "the vehicle for legislation which had already been rejected by the House of Lords with the tacit assent of the country." Counting upon the unwillingness of the peers to provoke the Constitutional crisis and the financial deadlock which the refusal to vote the supplies for the year would entail, the Government, for purposes not of revenue, but of political revenge, had inserted in the Budget measures which they knew they could not otherwise pass into law. If such a practice were to go unchallenged there would be nothing, however revolutionary, that the majority in the House of Commons could not attempt and successfully achieve under the guise of a Finance Bill. The purpose, or, at any rate, the effect, of Mr. Lloyd George's Budget was, in short, to extinguish the House of Lords.

Such were the arguments put forward by the authors of the *coup d'état*. Not all the peers, even in Lord Lansdowne's own party, could be induced to subscribe to them. Men like Lords Rosebery, Cromer, Balfour of Burleigh, Lytton, and James of Hereford, while anathematizing the Budget, refused to be parties to the Constitutional upheaval implied by its rejection; a score or so of others who were present in the House abstained from

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voting; and the 350 members who followed Lord Lansdowne into the lobbies fell by considerably over 100 below the full Unionist strength. A great many peers doubtless believed that the country wished them to throw out the Budget and would support them in doing so; a great many more felt, and sincerely felt, that hating the Budget as they did and convinced as they were that it was a menace to the national welfare, they could not, their consciences would not allow them to, pass it into law; but, taking the Unionist peers as a whole, I think it moderately safe to say that what chiefly determined their action was, first, the taxes on land, secondly, the licensing duties, and, thirdly, the pressure of the Tariff Reformers who saw their panacea indefinitely postponed if the Budget were permitted to pass. The Liberals had not much difficulty in riddling the thin and ridiculous pretence that Lord Lansdowne, as one of his admirers called him, was "the John Hampden of the twentieth century," standing between the people and the tyranny of the House of Commons, and that his amendment was born of a desire not to kill the Budget, but to consult the country. Nor were they less successful in meeting many of the objections to the Budget as a mere measure of finance. Was a Chancellor of the Exchequer, they asked, in a time of enormous and growing expenditure, to be debarred from opening up fresh sources of revenue merely because their productivity took a little while to develop? Was it Socialism or Collectivism or any other "ism" for the State to claim a share of the wealth created by the State? Was it an instance of tacking legislative proposals on to a bill of finance to provide for the valuation of land when land values were to be taxed? Just because the Lords had rejected a Licensing Bill, were the holders of licenses to be exempt for all time from increased taxation? The money had to be raised somehow. Which was the better way of raising it, by taxing land and liquor and tobacco and by adding to the death duties, or by taxing food, by taxing the men of wealth and the luxuries of all classes, or by taxing the poor and the necessaries of life? But I need not labor these and similar points. They have already become almost obsolete. They have been swallowed up in the tremendous Constitutional issue; and here the Liberals, no longer on the defensive, are able to carry the war into the heart of the enemy's camp.

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The legal right of the House of Lords to reject any and every measure submitted to them has never been questioned. In the same way the legal right of the Crown to refuse its assent to any and every Bill passed by both Houses of Parliament is indisputable. But every one knows that for the Crown to exercise its legal rights in this respect would be considered to-day a gross outrage on the Constitution. The British system would, in fact, be utterly unworkable if every authority in the State were to make use of the privileges and authority belonging to it by the strict letter of the law. The British system is not founded on the nicely calculated less or more of legal precisions. It is founded on precedents, usages, conventions, traditions, mutual understandings, forbearances and accommodations, tacit compromises, silent surrenders. Many things, therefore, that are clearly legal are not less clearly unconstitutional; and the refusal of the House of Lords to vote the supplies of the year is unquestionably one of them. No point has been more often threshed out in the past four hundred years than this, and no point hitherto has come to be more generally accepted as the very basis of British Constitutional liberties than that in all matters of finance the House of Commons is and must be supreme. Its supremacy is attested not merely by the fixed practice of centuries and by the whole spirit and tendency of British Constitutional development, but by the forms and facts of modern procedure. When the King asks for the supplies of the year it is to the "Gentlemen of the House of Commons," and not to the Lords that he addresses himself. The very wording of the preamble in Finance Bills bears witness to the exclusive control of the Commons in all matters of taxation. And quite apart from the uninterrupted acquiescence of leaders of both parties in this doctrine, there is this insuperable fact that resolutions of the House of Commons imposing taxes have always hitherto been held to possess the force of law. A Chancellor introduces a Finance Bill announcing, let us say, increased duties on sugar, tea and tobacco. "Resolutions" are at once, on the same day, passed by the House of Commons authorizing the collection of the new duties. These "resolutions" are telegraphed to the customs-house officers and on the following morning sugar, tea and tobacco pay duties on the new schedule. Understand that the House of Lords has nothing whatever to do with this operation; understand that the

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Finance Bill to which the "resolutions" give immediate effect may not become law until several weeks or several months later; understand, further, that the validity of the "resolutions" has never yet been challenged, but has, on the contrary, been universally accepted—ponder the significance of all this and you will see that there could not well be a more striking proof of the financial absolutism of the House of Commons.

But the argument from practice, convenience, tradition and prescription, while overwhelmingly strong, is still not so strong as the argument from necessity. The unfettered control of finance by the House of Commons is vital to the working of the British Constitution, and the destruction of that control means the destruction of the Constitution, means absolute chaos, means the reconstruction of the whole system of government from the foundations upward. This will become clear if we examine the consequences that must inevitably follow if the claim of the House of Lords to reject Budgets is upheld by the people at the polls. Such a claim implies, in the first place, that the Lords possess the power of forcing a penal dissolution by refusing supplies. No Ministry can maintain itself without the money to carry on the King's Government. If the money is withheld, it must necessarily dissolve Parliament and appeal to the country. By rejecting the financial provisions of the year the Lords thus compel a dissolution, and a dissolution hitherto has been the sole prerogative of the Crown, a prerogative exercised, of course, on the advice of the Ministers of the day. Secondly, and as a necessary consequence, the power of the Lords to force a dissolution destroys the principle that a Government holds office subject to the support of a majority in the elective House. It, therefore, makes the Septennial Act null and void for any Government which does not also command a majority in the House of Lords. It gives to an indissoluble, non-elective and hereditary Chamber the last and supreme word over the representative Chamber. And as the House of Lords is seven-eighths Conservative, this means in practice that the party system would be uprooted, that the Liberals would hold office at the annual mercy of the Upper Chamber, and that the Conservatives would enjoy the full benefits of the Septennial Act without molestation. The Conservatives naturally and by instinct, and the Liberals by necessity, would thus be compelled to frame only such financial measures as they

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could be sure would meet with the approval of the hereditary House. The House of Commons, in short, would be placed in a position of permanent subordination to the House of Lords. In the third place, the seizure by the Lords of the power of the purse would throw out of gear the whole financial machinery of the State. The resolutions of the House of Commons on which hitherto taxes have been collected would at once lose their validity. The voting and discussion of the Estimates would be deprived of their reality and significance because nobody would know whether the money would be found or whether the Government would be in office after a few weeks. It would follow from this that the Government's financial proposals would have to be introduced in both Houses simultaneously. And as the Government—if it were a Liberal Government—could be practically sure that its proposals would be accepted by the House of Commons, but would have no guarantee as to what reception they would meet with in the House of Lords, the next step would be to bring in the Budget in the House of Lords alone and before it was presented to the Lower Chamber—in other words, to make the House of Lords the supreme taxing power in the State. It is safe to say that no nation in its senses would tolerate a system under which a hereditary Chamber that could never be called to account would be able to dominate the elected House, to paralyze the Executive without any responsibility for replacing it, to order a dissolution whenever it pleased, to destroy the simplicity and continuity of the methods of collecting revenue, to insist that any Budget that displeased it should be made the subject of a plebiscite, and to arrogate to itself the decisive voice in the settlement of the national finances. The fight that is being waged in Great Britain is a fight for some of the elementary essentials of self-government.

How is it that the Lords have allowed themselves to precipitate a contest fraught, as in the end it must be, with such painful consequences to the privileges of their House? Apart from their objections to Mr. Lloyd George's Budget there are, I think, three main reasons to account for their action. The first is that the Unionist party as a whole has become so infected with the virus of Tariff Reform, is so bent on carrying out its new policy at any cost, that it has parted with almost everything that made the strength of the old Conservatism and is now, like the Republicans

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in the United States, a party that, aside from the Tariff, has no principles or scruples, is hopelessly steeped in opportunism, and will do and say anything, espouse any cause and, if need be, smash the Constitution, on the off chance of moving an inch nearer to its goal. It has lost the sense of proportion and prevision, of seeing and estimating clearly; and it has plunged into this struggle with the democracy as light-heartedly and recklessly and with as little foreknowledge of the issues it has provoked, of the obstacles to be encountered or of the consequences that must ensue as ten years ago it plunged into the war with the Boers. The second reason that accounts for the madness of the Lords is that they lack leadership. Lord Lansdowne is amiable and accomplished, but he has hardly a shred of the influence and authority over his brother peers that belonged, for example, to the late Lord Salisbury. Moreover, he is a Whig by early upbringing; he was a member of more than one Gladstone Cabinet; and the Tories in the Upper House, while accepting his leadership, have never quite accepted him as one of themselves. Had Lord Lansdowne been a second Salisbury the House of Lords would never have rejected the Budget. It is not less safe to assert—and this brings me to the third reason—that had Queen Victoria been on the throne the Budget would have become law. She would have intensely disliked its provisions and its tendencies, she would have sympathized with every one of the Unionists' objections to it, but she would never have permitted them to incur the enormous risks involved in rejecting it. King Edward did what he could to bring the peers to reason, but while eminently successful in diplomacy abroad he proved unable to ride the whirlwind at home. That was partly because ever since he came to the throne his social preferences have somewhat alienated the aristocracy and partly because his Liberal sympathies have equally alienated the Unionists. It is almost a law of nature that the Heir Apparent should be of opposite political opinions to the reigning Sovereign. Queen Victoria was a Tory of the Tories; King Edward both as King and as Prince of Wales has always been a man of modern views and inclined to Liberalism, and his son, the present Prince of Wales, reverts accordingly to his grandmother's creed. His Majesty's reputation for Liberalism and the coolness that exists between his "set" and the rest of the nobility placed him at a considerable

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disadvantage in dealing with the crisis. The influence of the Crown availed nothing against the stubbornness of a handful of *intransigeants,* spurred on by their zeal for Tariff Reform and by the powerful support they received from the Unionist Press. In an emergency that concerned the Crown only less gravely than it concerned the House of Commons it has to be recorded that King Edward VII failed to make himself felt as moderator and counsellor with the weight and effectiveness that Queen Victoria would undoubtedly have commanded.

What will be the upshot of it all? The Prime Minister on December 2nd introduced into the House of Commons a resolution reaffirming in the strongest and clearest terms the financial supremacy of the Lower Chamber. That resolution strikes the key-note of the campaign. The Liberals can hardly expect to return from the polls with an undiminished majority. If they come back even with a majority independent of the Irish Nationalist vote, it will be a very considerable achievement. I know England too well to prophesy with any definiteness the result of a General Election, but I shall be very greatly surprised if, in spite of the many formidable interests they have antagonized, the Liberals do not return to power with a clear mandate to bridle the financial pretensions of the House of Lords. One Liberal Minister after another has declared that his party will not again take office without a clear guarantee that what occurred on November 30th shall never be permitted to occur again. There is only one guarantee that will meet the situation: and that is a promise by the King that he will be prepared to create a sufficient number of peers to carry through the House of Lords a Bill definitely depriving the Upper Chamber of the right to reject the financial proposals of the Commons. Sooner than be swamped by 500 new men the House of Lords would agree to anything. But the expedient is a desperate one, so desperate as to be in itself sufficient proof that Great Britain is passing through a peaceable but profound revolution and is entering on the prodigious and fateful task of rebuilding almost from top to bottom her Constitutional framework.

SYDNEY BROOKS.

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PRESENT STATUS OF THE ARGUMENT FOR LIFE AFTER DEATH.

BY BORDEN PARKER BOWNE.

It is often said that faith in a future life is increasingly difficult. This is probably the case with certain elderly persons who were entangled in the materialistic thinking of the last generation and have never been able to free themselves. They contracted the habit of negation, and at last came to regard their denial as a manifest truth. In fact, however, the belief in life after death is better founded to-day than it ever was in the past, so far as science and reasoning go.

The argument against the belief is level to the lowest intellect and seems conclusive to the uncritical. It is simply this. We know of mental life only in connection with bodily existence. When the body dies there is no longer any mental manifestation. And from this the conclusion is drawn that the mental life is only a product of physical organization and perishes with it. This is really the sum of the argument upon the subject. As music depends on the instrument and ceases with it, so what we call mind is only the tune of the organism and vanishes with its dissolution.

The facts, however, are by no means so simple and decisive as this argument assumes. It is strictly impossible to pass by any reasoning or insight from the body as a material aggregate to thought and feeling as spiritual states, and the only thing that makes it seem possible is the tacit assumption that the body is an undoubted cause and indeed the only cause concerned. But this naïve materialistic metaphysics is obsolete in critical circles. We really do not see that the body causes the mental life or that it is necessary to it. All that we really know is that the organism and the mental life are mutually dependent in the order of ex-

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perience. We find them varying together, but we cannot find any inner connection which would compel us to think that the actual physical order must be attended by the actual mental order or by any mental order at all. So far as knowledge goes, all that we can certainly say is that the organism is the medium between the physical world and the inner life, preparing the forces of the former for the service of the latter and furnishing the latter with a means of expression and communication. The subject of this inner life we call the "soul," and by "soul" we mean nothing mysterious or far-fetched, but just ourselves as we live our daily life of thinking, feeling, working, etc.

Manifestly, this statement of the relation between soul and body carries with it all the facts upon which the materialistic argument is based. If the organism is now such a means of mediation between the physical world and the soul, it is plain that the health and perfection of the organism must have a profound significance for the soul's life. If we suppose that the body furnishes the soul with the stimulus for growth and development, it is clear that physical conditions must have great mental significance; and if we further suppose that the body is the instrument for the expression and manifestation of the mental life, it is equally clear that the condition of the organism must have great significance for that life. The operator cannot work without his instruments or send messages when the wires are down. So far, then, as the facts of mental dependence upon physical conditions go, it is manifest that at best they lead only to a drawn battle, and if nothing but these facts existed we should be left free to choose either the materialistic or the spiritualistic view.

But there is, however, a great set of facts that come in to overturn this equilibrium. The soul is by no means always in the passive voice, even in its physical relations. Not only does the body affect the mental life, but conversely the mental life reacts upon the body and becomes an important factor in its direction and general well-being. This truth has become prominent of late through the facts of mind cure and the growing insight into the organic significance of the mental factor. These facts were long denied, owing to materialistic prepossessions, but they have compelled recognition. Some wild work has, indeed, been done in this field, but enough has been established to show that mental

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conditions have great importance for our physical well-being. And one great gain from it is that we are becoming used once more to the thought of spiritual existence as a veritable factor in the ongoing of the world. In addition to such facts, reflection upon the thought-life itself shows that it is altogether impossible without some abiding and active spiritual principle whereby the thought-life is built up and continually maintained across the changes in its organic conditions.

The spiritualistic argument is conclusive for those who can follow it, but popular thought is obsessed by difficulties arising purely from the imagination. This faculty always thinks in terms of form, and when dealing with human personality it thinks in terms of human form; hence whenever the soul is referred to as something formless and invisible the imagination has difficulty in realizing what all this may mean. It seeks to picture the soul and the soul cannot be pictured. We cannot apprehend ourselves in spatial images, we experience ourselves in conscious life and activity. This failure of the imagination easily passes with the uncritical for a disproof of spiritual existence. Along with this goes the naïve assumption that matter is a perfectly clear notion, and that material existence is something the nature and reality of which are beyond all question. For the strengthening of popular faith in spiritual realities something may be done toward relieving these difficulties by showing the uncertainty of our notions of matter and the activity of the soul in physical as well as mental life.

Popular thought begins by assuming that matter is the most certain of all things. Spirit may be doubted, but material things are undeniably there. This is the conviction with which we all begin and it very easily leads us toward mechanical and materialistic thinking. The view, however, is inverted. The only sure facts in life are ourselves and the world of common experience, the human world in short. This is where we really begin and where life itself goes on; and all thinking whatever that we may do must be related to these facts, and whatever we believe must in some way be deduced from these facts. Matter, then, as a metaphysical existence is no first fact, but only an abstraction from experience. Life and experience are the first facts. Now with this starting-point we find ourselves living, thinking, feeling, acting and producing a great many effects in

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the world of experience. We are in this world depending upon it in some ways and able to act upon it and modify it in some ways. The physical world, then, is far from independent of our thought and action. We, the living persons, modify the world of things, use it for our purposes, build cities, traverse seas, subdue nature to our service, develop governments, social institutions, etc.; and in all of this we find ourselves given as active and controlling causes. The fancy that some materialists have held that this is only an illusion may be dismissed at once.

Men, then, as living souls are no fictitious and far-fetched hypotheses, but are really the very first and most certain facts in speculation, and the abstract matter of scientific theory, so far from being a datum of experience, is only a piece of doubtful metaphysics for the explanation of experience. Moreover, at present the tendency is to extend the activity of the soul much farther than has hitherto been done. Instead of making the soul a mere collective name for mental states which passively attend organic change, or even limiting the soul's action to conscious mentality, the tendency now is to regard the soul as the builder even of the body itself. Organic form is not the cause but the product of life. Life lies behind structure as its source and builder. This is the view which is coming to the front in biological speculation.

According to this view, the soul has a phase of organic activity which precedes and underlies its conscious activity, but both are united as the expression of the nature of the one soul. We may distinguish the following stages:

First, The soul in interaction with the general physical system builds and maintains an organism within certain limits and under certain conditions set by its own nature and the general laws of the system.

Second, This organic matter is already within the sphere of the soul's activity as well as under the general physical laws.

Third, Hence the organism is partly a physical and partly a psychical function. Its interaction with the extra-organic involves the organic activity of the soul, and, because of the unity of the soul, this interaction could hardly fail to have significance for the mental activity.

Fourth, Conscious activity based upon and growing out of the organic activity is the final stage.

Thus the continuity of the organic and the mental world is

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in a measure assured and some reason is given for their intimate correlation. This view provides for all the psychologists are now saying about the subliminal and subconscious soul, as it recognizes an organic activity which does not rise into conscious activity, but which nevertheless may have profound significance for the conscious life. It also provides some connection between the conscious and the organic in turn. As the organic form of activity has significance for the conscious form of activity, so the conscious activity has significance for the organic. Thus we see how physical states might conceivably condition organic states and through them mental states, and conversely how mental states might condition organic states and through them physical states.

This is the view that is becoming quite prominent in biological and psychological speculation, and on any realistic scheme of metaphysics it is the line of least resistance. It recognizes the reality and activity of the soul and assigns to it not merely a mental but a profound vital significance. It gives the soul something to do. The soul does not merely sit by and think, but it enters intimately into the activities of the system and counts for something as a dynamic factor. It does not, indeed, create the cosmic forces, but within limits it directs them and determines their products. Thus the soul appears among the working factors of the system and not as a superfluous and impotent spook in the cosmic ongoing. This is the view taken by men like Sir Oliver Lodge in his papers on Science and Immortality, and it is closely related to the views of Bergson and others who have discovered the limitations of the old mechanical notions respecting life and mind.

The soul, then, is a reality among realities so far as the argument thus far goes, and as such would come under the general law of thought respecting these realities. In the physical world, on the orthodox view, there is no destruction of reality, but only change of combination. So-called destruction is dissolution or decomposition and applies only to compounds. The destruction of a piece of wood means merely a recomposition of the molecules and leaves the essential factors untouched. If now we regard the soul as also one of the real factors of the world of power, or as a real agent, we should on this line of reasoning regard it as equally indestructible; for destruction, as said, means in the physical world only decomposition, and the soul as a simple agent

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would admit of no decomposition and hence would be indestructible like the other realities of the cosmic order. These considerations led long ago to an argument for the immortality of the soul based on its being a simple substance, an argument which Kant subjected to criticism, with the result of showing that it cannot be called a demonstration. At the same time, it must be said that it is by no means altogether a failure, for when once the reality of the soul as an agent is established there is at least a presumption that it continues to be unless we can give positive proof of its destruction. This presumption becomes very strong for all those scientists who have learned to think of the agents and energies of the physical system as indestructible. The mere fact that the soul does not manifest itself to us outsiders through our senses is very far from a proof of its nonexistence, for nowadays science has made us entirely familiar with the fact that a great many things exist which are not revealed to the senses at all. Thus the world of ether, which is by no means a sense object, has become so important a fact in physical science that it is continually threatening to supplant matter altogether by reducing it to a function of ethereal motion. Wireless telegraphy is a good illustration of changes and activities beyond the range of sense.

By moving along this line critical thought is making matter itself more and more a fluid fact and mind more and more substantial. A very general tendency in physics is to make matter phenomenal or at least to make it a function of something beyond itself. According to Professor Trowbridge, about all we are sure of in connection with matter is that it is "a back-and-forth motion in the ether." Lord Kelvin thought it might be a vortex ring in the ether, and in any case matter is losing its hard and fast character and becoming a function of energy. According to Mr. Spencer, the one sure thing is that we are in the presence of one infinite and eternal energy on which all things depend and from which they forever proceed. Now this is a long way from the crude materialism of earlier times, and all that would be left of materialism, if put into these terms, would be the claim that our mental life is now connected with certain orders of cosmic change acting upon them and reacted upon by them, but in such a way as to make it altogether impossible to look upon the cosmic change as the efficient cause of the mental life. Thus

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the way would be left open to think that this mental life which has these mysterious connections at present and which is continually rooted in the infinite and eternal energy (God?) might continue under other conditions according to the purpose of that same infinite and eternal energy by which it now exists.

And this conclusion would be further helped by the insight to which criticism brings us into the phenomenal character of the entire spatial system. For common-sense things in space are the only realities. These we see, touch and handle, and as there is nothing else in sight there is nothing else in existence. What we have already said goes far to shake this naïve view, and speculation has carried the matter still further by showing that space itself is simply the general form of our experience and no real existence which holds and conditions things. And even now the great bulk of life belongs in the invisible world of consciousness and conscious personal relations without any existence whatever in space. The human personality never appears. The human race never appears in space. Space is simply the screen on which the invisible life of humanity projects itself, producing a great variety of effects and expressing itself in various ways, but never coming into vision except through these manifestations. We have only to extend this to understand how the entire universe may be an invisible world of spiritual energy manifesting itself in spatial forms, yet never to be identified with them. In that case the personal world would be the real world and the space world would be the form world in and through which the real world of spirits manifests itself; and this is the view to which thought is rapidly coming.

Considerations of this kind tend to relieve the difficulties of popular thought respecting immortality. That thought tacitly assumes that all real existence has spatial form and that whatever does not exist for the senses is unreal. There is relief in pointing out the phenomenal character of spatial existence in general, and in showing how much there is of which the senses take no account and make no report. What can the senses tell us, for instance, of the metaphysical basis of wireless telegraphy or the power world in general. As to the possibilities of spiritual life, we have no more warrant for limiting them to present physiological conditions than an unborn philosopher would have for declaring the antenatal life to be the only one possible. It would

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be interesting to work out the conclusions of such a philosopher respecting the possibilities of conscious life. We should recognize in them a striking parallel to the views of some of our materialistic dogmatists.

This argument is indeed negative, but it is not without positive value, as it tends to remove the baseless fancies on which objections commonly rest. Of course it must be admitted that there is no proper demonstration of life after death, and indeed there can be none except through some word of revelation or through experience itself. But this does not leave us as badly off as it might seem. We no longer expect demonstration in concrete matters of any kind. Even science itself rests upon a very complex body of assumptions admitting of no demonstration beyond the fact that they satisfy our rational nature and give us some light on experience. Similarly with the faith in immortality—it is not a thing which can be properly demonstrated, but it is something that fits into our general scheme of faith and satisfies the instinctive demands of the soul. We have come to a point at last where we are trusting our instincts again, our higher spiritual instincts as well as the lower ones, and in this trust we are finding ourselves led more and more to faith in immortality. We have the sure conviction that moral and spiritual interests are the higher things in life, and we have also the clear conviction that these interests find no adequate completion and fulfilment in the life that now is. There is much, of course, that is animal in our life, but there is also much that soars above and beyond all animal possibility. We are somewhat in the position of a being who should become conscious of his surroundings in the antenatal state. He would find many things the significance of which would be dark to him because they are preparations for a stage of existence of which as yet he has no knowledge. But after birth he would find their meaning, as he would be introduced into a life where their significance would be manifest. In the same way our reason, our conscience, our spiritual aspirations, carry us beyond the actual and beyond all that is possible under terrestrial conditions. These are the things within us that bear witness to immortality. All thinking about the world presupposes it to be rational, and if life is to end with the earthly act, then the play is a farce, a hideous opera bouffe, and there is no reason in it. Considerations of this kind, while they disclaim knowledge,

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open the way for belief and make us hospitable to the notion of immortality if it should be revealed.

And here it is that Christianity has done a great service. It has made the idea of immortality and belief in it a common possession; and by its continual testimony to the life immortal has made it credible to the great mass of men who could reach it in no other way. And it is something to see that science and reflection, so far as they go, support this faith. They do not, indeed, compel it, but they make it rationally possible and show the emptiness of the pretended disproofs of the doctrine. And then the individual has to decide for himself whether to take the higher view that leads to life and hope or the lower view that leads to despair and death. And probably this is all that is desirable for us under our present circumstances. The supposed proofs of spiritual existence that come from spirit rappings and such things are not of much use to us. They cannot be declared to be impossible, though I myself have never seen anything that makes them credible. But their contents are of such a character as to depress rather than encourage us. It is further clear that for the sake of our mental, moral and religious sanity it would not do for us to have much commerce with the invisible world. Neither intellect nor morals nor religion could go on in any wholesome manner if we had much more knowledge than we now possess. As Kant says, in speaking of this point, the unsearchable wisdom of God is no less manifest in what he has hidden from us than in what he has revealed.

BORDEN PARKER BOWNE.

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SAFEGUARDING THE ART TREASURES OF ITALY.

BY FRANK JEWETT MATHER, JR.

For more than three centuries there has been a steady drift of fine works of art from Italy. First the Papal State and afterward the Kingdom have tried with rather slight results to guard the outlets. Various laws regulating exportation have been enacted. All have been evaded, and all have seemed at certain points to limit unfairly the right of private ownership. For three years past the whole matter has been studied by a special commission, and at last Italy has a law which maintains the right of the Kingdom to conserve its art treasures while providing a fair indemnity for owners whose possessions are marked for the public galleries.

The most important requirement of the law of June 20th, 1909, is that all municipalities, religious, charitable and educational bodies are bound to report all objects of art in their possession to the national authorities. This reaffirms the sound principle of earlier laws, and, in fact, such legislation would not be amiss in any country, being a simple assertion of the general responsibilities of trusteeship in the particular direction of art. A new and valuable provision of the new law is that such works of art must be kept in proper repair on penalty of confiscation by the Government. No one who has observed the often scandalously neglected condition of the pictures in churches and even in certain obscure museums can doubt that a strict enforcement of this clause would save many pictures from destruction and incidentally enrich the national galleries. The duty of enforcing the trust implied in the corporate possession of works of art is so obvious that I need not insist upon it. Morals and æsthetics combine on this issue. A semi-public corporation has no right to traffic in

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its trusteeship, while pictures and sculpture have a double significance and beauty when seen in the place for which the artist destined them. But apart from general considerations, the situation in Italy has been somewhat acute. The thousands of fine pictures which hang in the public and private galleries beyond the Alps were mostly sold by churches and convents in defiance of morality and often of law as well. Nor has the forbidden traffic ceased.

A famous altar-piece sent from a provincial church to the Umbrian Exhibition two years ago turned out to be a substituted copy. The original is, one may be sure, no longer in Italy. Last summer I saw in the villa of a wealthy Englishman a fine picture of the fourteenth century which had just come from a neglected chapel. Only a few years ago a beautiful fifteenth-century Annunciation vanished from the most sacred and perhaps the most visited spot in Italy, the Portiuncula of St. Francis at Assisi, and reappeared after an interval in a noted American collection. Such instances show the necessity of the law. Its enforcement is more difficult than might be imagined, because of the inadequacy of the inspectoral staff, the multitude of churches and chapels, the enterprise of the antiquaries, and the trafficking disposition of many Italian priests. I know of a single Italian commune, with a population not exceeding thirty thousand, where there are one hundred and twenty ecclesiastical buildings in actual use. The Government may have a complete list of their artistic contents, but I much doubt it. In the effort to keep her public treasures of art unimpaired and undiminished, Italy should have the fullest sympathy of all lovers of art and honesty.

Other nations will have to follow her course as soon as any notable accumulation of objects of art lies under the control of neglectful or mercenary guardians. I think that merely as a precautionary measure our States should affirm the inalienability of all objects of art in the possession of public or beneficiary corporations. It is not realized perhaps how considerable the artistic heritage of our hospitals, colleges, learned societies, etc., already is. And merely as a warning we had only a few years ago an American art museum brought to court for selling a picture which had gone out of fashion. Personally I sympathize with the museum in question for desiring to get rid of that

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particular painting, but the policy of thus realizing on artistic assets is a thoroughly vicious one, as the record of despoiled Italy clearly shows.

In its dealings with private owners Italy in the past has stood in a more questionable attitude. Theoretically the Government drew up a complete list of objects of highest value *(di sommo pregio)* the exportation of which was forbidden and the ultimate purchase of which for the national galleries was contemplated. Practically the mere announcement of this list closed the private galleries and everywhere drove notable works of art into hiding. With no right of search the Ministerial inspectors naturally made slow progress with the list. Such remarkable paintings as the Cattaneo Van Dycks, which only recently were spirited from Genoa to England and America, were never formally listed, although their existence was perfectly well known to the Government officers. In order to prevent such surreptitious exportation the law required that every work of art should be presented at a Government office, where under appraisal it should pay an export duty. While it remained in the hands of the inspectors, the Government took the opportunity, whenever it seemed desirable, of buying such works either through direct dealings with the owners or under condemnation proceedings. As a matter of fact, the finest works of art that left Italy never were presented to the export offices. From the mass of relatively inconsequential objects that have been duly presented the Government has made a number of purchases at favorable prices and incidentally has raised considerable revenue, but as a means of keeping the best art at home the law has been a complete failure.

Before writing this down to the utter discredit of the collector and art dealer—classes which already have sins enough to answer for—it is only fair to acknowledge that the law itself was inequitable and in its workings oppressive. While the right of a Government to expropriate artistic property offered for sale can hardly be contested, the Italian Government sought to buy at prices arbitrarily lowered through the elimination of the best market. To tell an Italian collector that the Government would cheerfully pay what an Italian buyer might offer was virtual confiscation of three-quarters the value of the work. As matter of fact, this was only the beginning of the tribulations of an owner caught in the toils of the export office. Often the

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Government had no money to make an important purchase. In such case the picture under postponements of two years' duration was sequestered while the Government beat the unlucky owner down. Only when he was worn out by waiting, the bargain was struck. No wonder private owners went rather around than through the export offices.

As for the dealers, they arrived at one of those extra-legal arrangements which, common enough the world over, are commonest perhaps in Italy. By occasionally giving a work of art outright, and habitually selling cheap what the Government desired, they got favorable terms for their routine exportations. Their extraordinary shipments were prudently made through obscure individuals, who for a consideration gladly assumed the risk of fines which they could not pay and brief imprisonments which were no hardship. Thus, though there have been scores of prosecutions and many convictions, no exemplary penalty—saving the enormous fine imposed upon Prince Chigi, which was promptly reduced—has ever been imposed. The law has failed absolutely with respect to the objects it was intended to safeguard —those of highest value. To have put the Government's buying on an equitable basis is the chief merit of the new law. But before discussing its provisions that underground railroad by which the masterpieces escape deserves a moment's attention.

How do the pictures and statues get out? Naturally, this story can never be fully told until the last salable *chef d'œuvre* has disappeared and the statute of limitations has run out. Meanwhile such hints as one gathers may be set down to the credit of human ingenuity when unabashed by ulterior scruples. The crude old method of varnishing a picture, painting thereon in gouache Vesuvius in Eruption, Virgil's Tomb or other scenic improvisation which the wet sponge would remove on arrival, is now obsolete. In fact, with small objects no such elaborate evasion is necessary. If you buy a picture of moderate size from an Italian dealer and inquire as to means of exportation he will say: "Why bore the inspectors with this trifle? Put it in your trunk, sir." In fact, the trunk is the most insidious foe of the æsthetic State. Some inspection of mercantile packages the customs makes, but the general examination of travellers' baggage is a physical impossibility. If a scrupulous collector, and they are rarer than might be imagined, declines to make his own trunk a vehicle of

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contraband, other trunks are readily available. There are ladies, for example, whose profession exacts both ample wardrobes and occasional changes of residence between Rome, Florence, Milan, Naples, Venice and the northern capitals. For the courtesy of a first-class ticket these *voyageuses* will cheerfully deliver any sealed package at their city of destination. For that matter, the Government mails constantly carry out of Italy such small objects as coins, manuscripts, early-printed books—anything, in short, that can be unobtrusively packed.

As for the larger objects, when they are not too rare they are usually presented for inspection. How the rest slip out—and they include great altar-pieces and sculpture weighing a ton or more—one can only guess. I may remark, however, that piano-boxes do not necessarily contain pianos, that loads of hay and truck cross the Alpine passes, and while a skewer is usually plied to make sure that nothing is below the appearance, under certain conditions the probe might be withheld. All such illegal expedients, however morally to be condemned, were a perfectly logical sequel of a law confiscating private property below its market value.

All smuggling ought to stop under the new law. But the practice is well established, and its chief devotees not of a stamp to be staggered at the loss of a quasi-moral excuse. At least the ingenuous Italian collector may now gratify his desire to conserve the artistic patrimony without paying too dearly for his patriotism. The Government gives up the pretence of listing all the masterpieces in private hands. When it learns of one it formally notifies the owner that it must not leave the country. As before, it requires all works of art to be inspected and appraised before exportation, and to pay a duty which increases with the valuation from five to twenty per cent. Whatever works of art it wishes to buy itself, it agrees to take within two months, or at most four, at the price at which the owner presented them for export. Should he decline to abide by his own valuation, he may have recourse to a commission of appraisal, or he may withdraw his property subject merely to prohibition of foreign sale. So the new law does away with wearing delays, pays a fair price and in no case actually confiscates private property. Evidently there could be no fairer adjustment between the unquestioned prerogative of the Government and the rights of the individual.

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Aside from the treasures of the galleries, churches and public institutions, just what is the artistic patrimony of Italy? How much of it remains in private hands? It is easier to ask these questions than to answer them. Collectors are of evasive disposition, Italian amateurs particularly so. Anything like a statistical account of the hidden art of Italy is clearly impossible. Still, by the use of Bernhard Berenson's lists, which I have amplified from my own observation and reading of the more recent Italian art magazines, a fairly accurate impression may be gained. And once for all, the entire mass of private possessions in sculpture and painting in Italy is not merely inconsiderable as compared with the riches of the museums and churches, but also alongside the private collections in northern countries. In the private galleries of London, for example, there are 485 Italian paintings important enough to be listed. No trustworthy figures for the Italian private collections are available, but it would surprise me if they contained to-day more than three hundred paintings of any great consequence. At a wide guess, I should imagine that there are nearly as many fine Italian pictures here in America as remain among the collectors of Italy. To support such an estimate, let me give a few examples. Leonardo da Vinci, Michelangelo, Raphael, Giorgione, Titian, Correggio—these are admittedly the greatest figures of the Renaissance, and they are fully represented in the Italian museums. Well, of Leonardo there is no accredited example in private hands. Of Giorgione there is one—a masterpiece. Michelangelo is represented by a single marble of contested authorship. Two Raphaels, three Correggios and five Titians complete, so far as my knowledge goes, the entire list. Obviously Italy is in no danger of being bereft of her greatest masters through private sale.

With the primitives, just now the favorites of the collectors, the story is the same. Of the greatest, Giotto, who has left extensive mural decorations in three churches and a handful of panels in the museums, I know only one unimportant fragment in a dealer's collection. Simone Memmi, perhaps the rarest and most exquisite master of the fourteenth century, is found twelve times on the public list. There are at least four panels by him in private hands. For his more archaic contemporary, Pietro Lorenzetti, the figures are thirteen in public, four in private custody. If we pass to the men of the transition the case is the

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same. To the credit of that very rare and charming master, Gentile da Fabriano, are registered twelve pictures owned by the public and three by private persons. The great forerunner, Masaccio, is recorded five or six times in the public list, one entry including most of the decoration of a chapel. I know of a single ruined fragment in private possession. As we fairly enter the Renaissance the figures tell the same story. For that most Roman of all the innovators, Andrea Mantegna, the count is nineteen against two; for his crabbed but powerful imitator, Cosimo Tura, thirteen against two; for the patriarch of the Venetian school, Giovanni Bellini, thirty-seven against three; for that most engaging of story-tellers, Vittore Carpaccio, thirty-six against two. There is, I think, no example of the stolid but sometimes powerful Ghirlandajo outside the galleries and public buildings. Of the much-adored Botticelli, whose public representation comes to twenty-three, there are two among collectors—and one of these pictures is disputed. Perugino, the sceptic, whose pictures give so remarkable a religious impression, is registered seventy-five times in all; just once, and that hesitatingly, among the possessions of a noble amateur. So one might go through the list of famous artists and always with the same result of learning that the masterpieces are already safe in galleries or public institutions.

Before drawing the inferences from this fact it should be admitted that our survey is a partial one. There doubtless are scores of fine pictures in Italy, the existence of which has escaped the critics. As an offset, it should be noted that many of the pictures counted above may already have been sold to foreigners, while, generally speaking, the examples in private collections are inferior to those in the museums. I have had exceptional opportunities of seeing the hidden treasures of Italy and recall only two pictures, the loss of which would palpably diminish the artistic prestige of that favored land—the portrait of Pope Innocent X by Velasquez, owned by Prince Doria at Rome, and Giorgione's Soldier and Gypsy, the pearl of Prince Giovanelli's collection at Venice. Other persons might gather different impressions. Any amateur who betrays symptoms of wealth and enthusiasm, on coming to Rome, Florence or Venice, will be sought out by plausible gentlemen who will procure him the sight of hundreds of ostensible *chefs d'œuvre* piously preserved in obscure patrician

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galleries. If the visitor has enough knowledge of the Italian language and of human nature to win the confidence of these same agents—*intermediarî*, as they call themselves sonorously—they will tell him the truth: that the originals of these putative old masters were sold to the English about a century ago; the substituted copies to the Russians a couple of generations later, and that the Americans are now privileged to buy the copies of the copies.

After some such preliminary explanation, it may be possible to discover a very few of desirable objects that have been missed in this cyclic process of sale and reproduction. All mathematical expressions of the art situation in Italy are mere figures of speech, but I think I am not far from the truth in saying that, while there are tens of thousands of old pictures eagerly seeking a buyer, hardly two per cent. of the old masters of artistic consequence remain in private possession. In this field, then, the great loss has already been incurred and the remedy has been applied too late. The present danger is rather from the dispersion of antique objects dug up either casually by peasants and builders or furtively by the antiquaries. In this fashion one of the most precious sites of antiquity, Cumæ, has been rifled, its treasures scattered to the winds and their historical evidence simply obliterated. Italy is full of important classical sites that have never been systematically excavated. With the present system of inspection the chances are against any monumental objects leaving the country except by due process of law. But the Government will need all the vigilance of its representatives to prevent the constant leaking away of all manner of small objects, some of which may be of archæological and artistic importance. It is not in the power of private collectors greatly to diminish the wealth of Italy in classic art. I know of only one collection of note that could conceivably come into the market, and here the purchaser would be acquiring rather more sculpture of the seventeenth and eighteenth than of earlier centuries, so fragmentary were the originals and so radical their restoration.

Obviously the regulation of excavation is the most important part of the law governing exportation of works of art. The provisions that concern private collectors and dealers have a retrospective and obsolete look, and these requirements could be abolished, retaining merely a general right of expropriation, with-

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out seriously altering the situation. Why, then, do the Italians keep these tardy restrictions on the statute-book? Because they are a thrifty and sensible people undismayed by fear of ridicule when they have a practical aim, however minute or imperfectly realized, to compass. The present law of exportation does raise a certain amount of revenue and bring to the museums at favorable prices a number of desirable objects. If it does not prevent smuggling it makes it difficult and odious. The Italians, I repeat, have certain Latin qualities of looking beyond formal inconsistencies to actual effects. They coin proverbs but do not fear them. They know that, when the robbers may return for the harness and the rig, it may be excellent sense to lock the stable door even after the horse has been stolen.

FRANK JEWETT MATHER, JR.

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THE STATESMANSHIP OF ITO.

BY WILLIAM ELLIOT GRIFFIS.

In Ito's native city of Hagi, province of Choshiu, in south-western Japan, stand four bronze statues of local dignitaries prominent in political movements during the sixties of the last century. In mediæval costume, with baton, blade, pen, cap and hand-tablet of old-time fashion, these effigies typify old Japan of feudal days. Then the only idea of a clansman was for his clan (one of nearly three hundred), not for his country, which, except as aliens might menace it, was an abstraction. The sword was the standard of society and subordination.

Yet Ito, who in later life and in death received honors greater than those due to imperial princes, is not in this group. He was not born in the purple. His parentage is obscure, and in old Japan personality was weak. The retainer known as Hayashi Uichi, when he attracted notice, in Kyoto in 1867, was called Ito Shunski (Lover of Wisdom). Extricating himself wholly from the impersonal communalism of the clan, he became an independent personality, Ito Hirobumi (Ito the Widely Read).

Sixty years ago, this Hayashi was following methods that are still popular in Korea. His conversion to peaceful and patient procedure is as wonderful, possibly, as that of Saul of Tarsus. The adult life of Ito Hirobumi was under a hair-hung sword that never fell. Of the thousand bullets loaded for his heart, the one which found its billet was not Japanese, Chinese or Russian. It sped from the native of a country whose real unity will date from Ito's work of regeneration.

As for Japan, Ito found it a hermit, with uncertain boundaries and known to the world as a curiosity. He left it honored in the arena of nations. Who was he? By what right is his name enrolled with such moderns as William the Silent, Cromwell,

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Alexander Hamilton, Lincoln, Cavour, Bismarck and Gladstone? In what cosmos of ideas was he born? What were his inheritances, inspirations, tasks, obstacles and goal? Amid the sprouting mythology which threatens to bury the real character, it is well to ask these questions. The writer, who knew Ito as a young man, besides such makers of New Japan as Echizen Shungaku, Sanjo, Iwakura, Okubo, and Kido, daimios, princes and statesmen of '68, and many more of "the fifty-five creators," cannot for one moment believe the contemporary notion that Ito was the chief man of initiative. In reality, Ito did at first but carry out the ideas of others. He was a splendid opportunist, yet, after so long service, he ranks in death among those greatest in the creative statesmanship of Japan.

From the first he consecrated himself to two overmastering ideals—Emperor and Country. To exalt the Imperial House, the depository of all Japan's history and noblest traditions, and to make the empire great among the nations, he scorned delights and lived laborious days. These give the key to his career. He found Japan feudal and fractional. A national unit, he knew, meant ability to match the world's statecraft.

Ito's statesmanship in foreign affairs is known to all, but his real tasks were within, and his permanent fame will rest upon what he achieved at home. Having known him nearly forty years, living in a daimio's castle in 1871, seeing both the life and the death of feudalism, witnessing in the capital his labors at their beginning, and having learned from his own lips or writings his mind, I propose to interpret his policy and life's aim.

The Japanese were a great people before the Westerners appeared, and Japan's greatest changes have been within. The culture most potent to-day with the Mikado's fifty-one million subjects is her own. Perry created none of the internal machinery that has made the new empire. The American in 1853 did but touch with timeliness the electric button that raised the curtain and sent thrills of motion into a great chamber of preparation. Without that interior propædeutic, there would have been no national awakening. The renascence of Japan began a century and a half before the Stars and Stripes were mirrored in Yedo Bay. Japanese soil, in the quarrel with Russia, was red with stains of blood a hundred years before Kuroki and Kuropatkin met in battle. China's claim of world sovereignty,

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the chief obstacle to Japan's emancipation and blown to pieces in 1905, had been resisted by Japan in arms, on land and sea, A.D. 1281. More than Europe or America, have the two great rivals for the control of Eastern Asia, China and Russia, ever furnished Japan with ready-made and still-postponed problems.

All this is patent in the native literature created during the long peace from 1614 to 1868. The men destined to uprear the modern empire were born with a new mind. The mental outlook of foreseeing men in Japan, in the year of Fillmore's presidency, was as different as that of the seventeenth-century Japanese, as was Commodore Perry's from Henry Hudson's. All that was necessary by 1852, when, on November 3rd, Mutsuhito, now veteran Emperor, was born, was opportunity and this Millard Fillmore gave them, for then we Americans had both a navy and a mercantile marine.

The Japanese in 1853 formed no real nation, but were three or four different bodies of people living in what to them was the centre of the universe, the only earthly home of the gods. Nine-tenths of the thirty millions were in feudal serfdom under the sword, the merchants had no social standing, and one million wretches, called either *eta,* or *hinin* (not human), were social outcasts. Only the *samurai,* or pensioned retainers who paid no taxes or tolls and carried two swords, the symbols and instruments of their power, were free. The two nations were widely separated by age-old custom and sternest law. The four classes, in sixteen sub-divisions, were kept apart by barriers which it might be death to cross suddenly, and herein lies the puzzle to Americans who have not a perspective of Japanese history. With Japanese of one thousand, or of only forty years of culture behind them, there is a difference.

Into such a world Ito was born, and by his own account, in 1840. Boyhood was normal, and in nourishment and environment not different from that of the average lad in the lowest of the many-graded *samurai* class in the feudal Japan. In his political sky, sun and moon were Mikado and Shogun, the one to be loved and the other to be hated. Kyoto was the City of the Throne, Yedo the City of the Camp. In Choshiu, the one hope and dream was to overthrow the Yedo usurpation, restore the Mikado to ancient power and, incidentally, to make theirs supreme among the clans. To welcome or to fight the foreigners

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was only a subordinate detail. The goal was a united Japan able to face the world.

The bully in Jerusalem who became the untiring saint had two teachers, Gamaliel and Stephen, one for years and one for minutes, but the latter was the greater. So after Ito had instructors in the ordinary old school curriculum based on the Chinese—no mean discipline to those who know it—he had a new master, then a prisoner and on the road to martyrdom, Yoshida Shoin, who was himself a pupil of Sakuma, master of Dutch, the higher criticism of Chinese and Japanese history and the Oyomei philosophy. Thus Ito came to his own by a true succession that resembled somewhat our device of churchly power called apostolic. The Oyomei philosophy identifies knowledge with action, and was the deadly enemy of Yedo official orthodoxy, with its bloody inquisition. Sakuma had told Yoshida to get on Perry's ship and see America. We all know the sequel, which Perry, had he been told it, would have found incredible. Yoshida rejected, seized and sent in a cage to Choshiu, was, by order from Yedo, kept in domiciliary confinement. He promptly turned his prison house into a school. His first pupil was Kido. His janitor, who helped him in his menial work, was Ito, the boy then sixteen years old. Kido, older and of higher rank, was also the master mind. He first opened the door of opportunity to Ito, and helped the boy of lower social rank to opportunity and fame. In later years, as we know and by Ito's own glad confession, Ito carried out Kido's ideas.

That school, called the "Gate of the Pine," had the potency of a university. It consisted of two rooms, the one of eight and the other of six mats, respectively twelve and nine square feet in area. The fireplace was in the middle of the floor, and around this at night the boys gathered, asking questions occasionally and listening long. The talks of the teacher often lasted until far into the morning hours. The topics were not those on the curriculum of the other schools, nor did they concern ancient China and verse-making. They dealt with Japan's present and future. The school began in August, 1856, and closed in January, 1859, when the master was carried in a cage to Yedo. On a wild and desolate spot of ground, Yoshida was executed at ten o'clock in the forenoon of October 10th, 1859, in his thirtieth year. When he was a prince of the empire and Japan

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one of the World Powers, Ito wrote, "Many of the pillars of State to-day are men tutored at the Gate of the Pine." Earlier, even, as soon as Yedo had become Tokyo, the Imperial Capital, a noble shrine was built in a fair garden, rich with the pine trees significant of memory, and the cherry blossoms which spoke the language of fruition, both adorning in eloquent symbolism a graceful memorial. To-day one may visit easily "the grave of Yoshida Shoin; the cradle of New Japan."

Under Yoshida's teaching, Ito's world was re-created. Yet he was still a youth, with only the ideas of his time and the potencies of his environment. His master passion was patriotism, of the old Bushido sort, whose murderous and shadowy side is little known in these peaceful and Christian days. Bushido's iridescent glories are as those of the black tar, whose products of decay float on the water of a new stream and become rainbow streaks. Bushido, as written by men who have lived since it died, is, as Sir Walter Scott's picture of European feudalism, a transfiguration, the brutality, lust, pestilences, moral and physical, of both being sunk in the ooze of time.

His teacher Yoshida's head having fallen under the sword, because of alleged plots against Yedo, Ito, breathing out threatening and slaughter, goes forth to kill and burn. In Yedo he would fire the legations, in Kyoto he would slaughter the Shogun. The hated Tycoon had degraded Japan by making (the Townsend Harris) treaties, ignoring the Emperor and insulting his divine imperial ancestry. The Premier Ii (finally assassinated in 1861, vindicated in literature and honored with a splendid statue at Yokohama in 1909) had bartered Japan's sovereignty, planted the hated foreigners' tribunals on the holy soil.

When come to power, Ito crossed many oceans and spent nearly thirty years of tireless toil to get extra-territoriality abolished, win back Japan's full sovereignty and secure the equality of his country before the world. No wonder that the Mikado grieves for his most fatherly adviser and his most loyal subject, and that a nation mourns its second founder.

Clear as flawless crystal was Ito's motive when, with sword and torch, he hoped to embroil the feudal head of Japan with the treaty Powers, hoping to bring on bombardment, yes, invasion, if necessary; for in the confusion he hoped to see the Yedo

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usurpation fall and the imperial power rise in a united Japan. Then would China's world-sovereignty (the Holy Roman Empire notion in Asia) and Japan's reputed vassalage end, Russia be checked, and honorable treaties with the Western nations be made on equal terms. Was this a roundabout way to constitutional imperialism? It was the only path visible to the stripling of twenty.

Suddenly the swordsman Ito left his clan and disappeared to preach the gospel he once destroyed. Never again was sword or torch carried. Brave as a lion, flinching from no menace, he became henceforth in habit of mind the apostle of peace. For forty-six years most of Ito's battles have been against Japan's hereditary militarism.

Evading the spies, entering Yokohama, cutting off his topknot and buying a sailor's cast-off suit and brogans, Ito and Inouye, hiding by day, and, at the last moment, when their English friend hesitated, threatening to commit hara-kiri, secured passage on a British ship to Shanghai. They had eight thousand dollars, in gold and English drafts, belonging to the Choshiu clan (given them in charge some time before for the purchase of rifles) and two books—a wretched little Japanese-English dictionary and a history by Rai Sanyo (whose name is incised on the granite of Boston's Public Library). By a mistake, because they had used the one English word they knew, "navigation," they were put with the sailors and before the mast. During four months at sea, without stopping at a single port, they swabbed, bunked, hauled ropes and ate hardtack and salt pork. Yet these four months in a sailing-ship were an education. In London, Inouye put down a gold sovereign for a loaf of bread—and received no change. "This was their welcome home"—into the Western World of greed and glory.

Nevertheless Ito believed. Amid countless proofs that the Anglo-Saxon had the powers of the world to come, he resolved to lead Japan into it. He dedicated himself to the one work of screening the evolution of the modern man.

Before he could read the London "Times," his English friends told him of the news from Choshiu. His clan had raised the flag inscribed "In Obedience to the Order" (*i.e.*, from the Mikado, as alleged, to expel foreigners from Japan), and "With Pure Heart" (to obey it). Sixty cannon bristled on Shimoneseki

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heights, and our own Captain McDougall, in the "Wyoming," the Dutch Admiral Cassembroot and the French Admiral Joures, trying the mettle of the Choshiu gunners, were somewhat astonished to find eight-inch shot and shell flying round them. The next year, four Powers—England, France, Netherlands and the United States—assembled an allied fleet of seventeen ships, with 208 guns and nearly 8,000 men, to chastise Choshiu. In this they were egged on by the Yedo Government.

To Ito and Inouye in London this was magnificent, but it was not war. It seemed madness. Making the swiftest passage to Japan possible, the two Japanese lads arrived at Yokohama. The reputed "Mr. G. Bonnar, from Lisbon," in faultless London clothes, deceived his own countrymen, but the keen eyes of the Yankee missionary, S. R. Brown, detected the truth, though he kept quiet. The British gave him free passage and ten days grace, but at home Ito pleaded and preached in vain. The clansmen opened fire on the fleet only to see their batteries crumble and their cannon carried off as trophies. Then, swearing by all the gods of heaven and earth to learn the secrets of the aliens' power, some of them took on Ito's mind, resolved to bury clan feuds and unite all Japan for equality with the world. The others went after Ito's body to make it a corpse. They were foiled by the woman now a prince's widow. Thirty years later Ito met Li Hung Chang at this same city of Shimonoseki, when China on her knees begged for peace.

Thus escaping assassination, attempted by the infuriated and beaten men of new experience but of old minds, the man who had hitherto been known as Hayashi Uichi, but who in 1868 was summoned to Kyoto under the name of Ito Shunski, spent his time during the four years until the *coup d'état* of 1868, in trying to establish a school in his native province and more or less in the clan councils. He met numerous Americans and Englishmen, but excitement was too great to begin education. He came into contact with Baron Echizen, with Sanjo and Iwakura, the court nobles who afterwards became prime ministers, but he was not yet of sufficient age or rank to have much to do in great action or high council, and during the days of the decisive moves which late in 1867 put the palace and the Emperor into the hands of the men who made the new Government and even during the famous battle of Fushimi, Ito was in his

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own province. Quickly coming back, he was given a minor position in the Bureau (it was not yet a Department) of Foreign Affairs. He acted as interpreter when the British and American ministers, despite the murderous attack of fanatics with reddened swords and piled corpses, looked upon the face of the Mikado. Henceforth Ito was near if not at the centre of things, and in time, being close to the Mikado, could touch the springs of power. Whatever variety of opinions there may be concerning the actual abilities and real personality of the Emperor of Japan, he is a profound student and an almost unerring judge of men. In reposing from the first a never-shaken confidence in the man henceforward known as Ito he made no mistake.

It was Okubo, a man of the highest abilities, who had the Mikado changed from a god to a man and come into the public gaze. It was Okubo who secured the removal of the capital to Yedo. Henceforth Ito was a greater man for knowing Okubo. His mind was richly stimulated and fertilized by this his new-found friend and fellow worker. If, in 1878, Ito, riding at the state funeral of Okubo, struck down by assassins, smoked a cigarette to steady his nerves, who could blame him? It was after Okubo's decease, Kido having also passed away, and not until then, that Ito became Japan's greatest man.

Noblest of all the moral reforms, equalizing if not excelling the master stroke of Lincoln in emancipating black slaves, since there was no military necessity in it, was the imperial edict of October, 1871, lifting up to citizenship the one million outcasts. This was the work of Yokoi, assassinated in Kyoto in 1869, for proposing this measure and also liberty of conscience.

The new Government, composed of young men, found itself without army, navy or revenue and lacked nearly all the equipment of a modern government; but they had the Divine Emperor, and hence the potencies of the future. Following out the two master principles to which his life was consecrated, Ito with his colleagues proceeded to switch off two hundred and eighty subordinate loyalties into one current of overpowering force: in a word, to abolish feudalism. Okubo led the way, persuading his Satsuma lord to hand over his fief and hereditary power to the Emperor. Choshiu, Hizen, Tosa and Echizen and others quickly followed. After such an example, what smaller or hostile barons could refuse to follow? On October 1st, 1871, I saw in

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the castle of Fukui, Echizen, the gathering of three thousand knights as their feudal lord bade them farewell. Hundreds of similar scenes followed. Nearly three hundred castle lords came to Tokyo to be private gentlemen, and 400,000 heads of families had now but one loyalty—the Emperor. Patriotism became a new word and idea.

A political miracle without bloodshed it was, indeed; yet I heard the premier Iwakura in Tokyo say, "We had expected to shed blood and were prepared to do it." Soon, like claps of thunder, followed the logical results, astounding those who could not see as the leaders saw: commutation for a term of years, then abolition of hereditary incomes, all the gentry being obliged to earn their own living; the abolition of the custom of wearing swords; the uplifting of the merchant to social standing; the opening of the army, navy, courts and schools to all classes of society.

The enterprises of railways, telegraphs, lighthouses, coinage and public schools were now rushed through. It nearly took my breath away when I saw four merchants, shopkeepers or traders, instead of grovelling on the ground on all-fours with head in the dust and breath drawn in, standing and giving an address to the Emperor and receiving one from him. For some months they kept up the mystery play of the living god, and sprinkled and fumigated the Emperor when he met the foreign envoys or Mr. Seward and other private persons of renown; but by and by they put the Emperor in clothes like other men and he became winsomely human. It was both fun and honor to us, men and women in Tokyo, when he bowed to us at short range from his carriage and invited us pioneer educators to an audience in his palace. Surely none can doubt the sweetly human character of Mutsuhito.

Japan's first necessity was to be rich. The development of her resources might wait a little while, but honest money for standard and currency was imperative. A thousand forms of local paper money in the clans and metallic issues from Yedo, of all weights, shapes, sizes and diameters, must go to the furnace and crucible. Milled coins, hypothecating numbered and registered treasury and bank-notes would bring simplicity, order and prosperity. Where, but to a country using the decimal system, should Ito go? He reached Washington, studied our treas-

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ury, mint and financial methods. He became not only a believer in the gold standard, but even more a Hamiltonian. He read the Constitution of the United States and found the "Federalist" more interesting than a novel. Returning to Japan, a mint was established at Osaka.

Now came the carrying out of the proposal, made first by Dr. Verbeck, of an embassy round the world, to study Western civilization, of course, but with the main purpose of securing sovereignty for Japan and the abolition of the foreign consular court. Mr. De Long warned them as to the defective nature of their credentials; but, roughly speaking, the only foreigner that these young optimists believed in at that time was Guido F. Verbeck the American, though they trusted Sir Harry Parkes in some things. Because France had virtually interfered in their politics, favoring the losing party, they were long suspicious of her motives in diplomacy, nor were surprised in 1895 and 1905. Toward Germany, with all respect for the learning of her sons, they have never felt overwarmly.

The embassy went round the world, but no Government would revise the treaties, while law codes and prison systems were still pagan and the persecution of Christians was permitted. In Washington the premier's eyes were opened wide. The strength of the central government, in a republic, astonished him. At that time Japan needed, as she will long need, to hold and keep at the centre all of power she can. After some chilling receptions in Europe, telegrams were sent home ordering down and out all the anti-Christian edicts so long hung in public places. Ito learned that the Christianity of to-day is not that of the Inquisition and but slightly involved in international politics. In Ito's mind religion had little or no place, except as a matter of political expediency. His own liberty and that granted to others in this realm of thought and life was the liberty of indifference. In later years he came to see the profound value, both to the individual and to the commonwealth, of this deepest part of man's nature, and that human beings, being "incurably religious," must be treated with this fundamental fact ever in view.

Yet Ito had also the saving sense of humor. There was in him not a little of the vein that enabled Lincoln to bear his awful burdens. He loved fun and chaffing. On the night of

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October 16th, 1909, when leaving for Harbin and death, he was in his merriest mood, poking fun at Count Okuma to the limit. In Europe in 1872 the grotesque incongruousness of the situation struck him and made him laugh very hard inwardly, though he preserved his face before his elders. Here was Japan professing all sorts of liberal sentiments, almost in the spread-eagle vein, and yet persecuting and imprisoning people of the same religion with those for whom they hoped to gain recognition as equals. I myself remember how strange it seemed, with such liberality of mind professed in Tokyo, that I should find in my path over the mountains about seventy people, from gray-haired men and women down to nurselings, in blood-red criminal clothes and roped together like coffles of slaves taken to distant exile and prison.

The embassy's return in 1873 was awaited with feverish impatience. Korea had grossly and violently insulted Japan by sending letters taunting the Island Kingdom for adopting Western ideas. China was behind Korea, for on January 1st, 1872, Japan had adopted the calendar of Europe, which in Chinese ideas meant Japan's absolute independence of the Middle Kingdom's rule and culture, since the acceptance of a calendar was construed in China to mean vassalage. Great Saigo, "the Sword of the Revolution" of 1868, led a party demanding the invasion and occupation of Korea and its annexation to Japan. Even to-day some Japanese think Saigo a far-seeing prophet, claiming that his policy, if carried out, would have saved the two wars with China and Russia. I think them totally mistaken. At any rate, there was held the first of many significant debates in presence of the Mikado and before the Throne. The gist of Okubo's and Ito's arguments was this: the imperative need of Japan was internal development and reconstruction. To invade Korea at that time would be to play into the hands of Russia.

The Korean war party was beaten. But the sequels, with close logical connection, were the various insurrections of the disarmed and impoverished gentry, and the great rebellion of 1877 in the southwestern provinces which cost over twenty thousand lives and possibly a hundred million dollars. Yet the costly sacrifice was not in vain. It was proved that an army made of all classes could fight knights. No more eloquent proof of valor and ability could be imagined than the nicked and bent bayonets of the re-

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turning soldiers, whose weapons had crossed the two-handed sword blades of the samurai in hand-to-hand conflict. The victory was won. It was like a title of nobility given to a peasant boy to call him into the service of his Emperor, and in 1903 I, with all who knew, predicted the certain success of the Japanese, because an army of knights, graduates of the public school, was to go forth and fight a host of Russian *mujiks*.

From the death of Okubo, Ito, now Japan's first great man, carried on his work in amplitude of resource and with the full confidence of his Emperor, on the principle that the Mikado, and not any legislative assembly, was the centre of power. In the nature of the case, parties could not yet form on the basis of fixed policy or principles, for the passionate instincts of clanship still dominated, and political knowledge was as yet not widely diffused. Under Ito's initiative, however, there were formed local assemblies in each prefect for the education of men who should in time serve in the national Diet. A new order of nobility was formed, in which both the old court nobles, the territorial nobility and the new men of talent found their graded place. Then a Senate or council of wise councillors was created, a supreme court formed, and with the removal of several intermediary courses in the political structure, something like a modern Cabinet, with Ito as Minister President of State, took the place of the older forms in the interest of simplicity and strength.

A perfect snow-storm of petitions was now poured upon the Government, asking that the Oath of 1868, to form a representative assembly, should be fulfilled and an Imperial Parliament assembled. These were critical years and the freedom of the press was not only greatly restricted, but certain repressive measures were resorted to, in the interest of what seemed to be too severe a centralization of power. However one may admire Ito's abilities, no judicial person can justify the issue of the Peace Regulations, so called, which sent a good many upright and loyal patriots to prison—unless one is ready to argue that results always justify means. However, the promise of 1882 that a constitution would be promulgated in 1889 was duly fulfilled. Ito went to Europe, studied especially in Germany, came particularly under the influence of Dr. Kneist in Berlin, and of Mr. Stein in Vienna, and imbibed thoroughly the very congenial doctrine that all authority resides in the Emperor and the Constitution

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is the gift of his unmerited grace. Ito gave comparatively slight heed to the system of the Anglo-Saxon peoples in which the ministers are responsible to the national legislature. As a matter of fact, most of the great leaders on the side which favor the English system were trained under the influence of American missionaries.

The Constitution, however, was duly proclaimed at the promised time, and in its workings Ito was both servant and master. Four times he served as premier, knowing well when to resign and retreat, as well as the right moment for advance and firmness. His master stroke was in uniting several parties or groups into an organization called the Seiyu Kai, or Friends of the Constitution, which, whatever its virtues or failings, has certainly been potent in training legislators to act according to principles, and not to follow personal instincts.

In foreign diplomacy Ito never shirked meeting face to face the great men of other nations, for he believed that wars could be averted by the responsible principals meeting as gentlemen in conversation. When China violated the Li-Ito agreement of 1885 and, unable to forget the past, followed her old tactics toward her so-called "vassals," the Diet voted all that Ito asked, in supplies for the war, by acclamation. Accepting in 1895 the results imposed upon Japan by allied Germany, France and Russia, Ito, who had anticipated the European movement, seeing in the action of France and Germany only a repetition of old-time offences, foresaw clearly the coming struggle with Russia. He now bent his energies to perfecting codes of law and getting the nation worthy to be ready for its fast-approaching recognition by the world of Japan's full sovereignty, in which movement Great Britain was to lead. The logical result of Sir Harry Parkes's initiative of 1868, in first recognizing the Mikado's government, and of the thirty years' tireless persistence of Ito was the Anglo-Japanese alliance.

The Boxer uprising at once emboldened Russia to walk into a trap and gave Japan an invaluable military experience. When the Muscovite broke his promises to evacuate Manchuria and invaded Korea, both with soldiers and financial exploiting operations, while delaying and postponing all explanations, in the face of Japanese protests, then the war shadow of a hundred years turned to reality. When Japanese war science and valor had humbled the Tsar and his hosts, it was Ito's moderation that

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was the dominant factor securing peace. Ito knew too well the bad crops and the weak finances at home, and that with improved Russian facilities of transportation and an army reinforced and larger than ever, the time to stop had come. Knowing his people and the military, he foresaw the storm of wrath would burst at home when the news from Portsmouth should come. Three hundred thousand young conscripts had not yet fired a shot. The newspapers and the masses expected a heavy indemnity. It is morally certain that Ito and the wise men of Japan did not.

The crowning act of service for an old man, suffering not a little from angina pectoris and burdened with years and toil, was the work of regenerating a country, one of the worst governed on the face of the earth and with but half its arable soil cultivated. A population of less than eight million lived in chronic poverty, varied by insurrection, for a small body of noblemen landlords sucked the vitality of the nation. No system of public education or justice, worthy of the name, existed. All the reports of long dwellers, missionaries, diplomatists, merchants, and the native books, caricatures and literature, tell one and the same story. The personal lovableness of the individual Korean is unquestioned. The refinement and scholarship of the few are undoubted. Cho-sen's ancient glories are patent to the scholar. Yet after centuries of oppression there is a lack of moral stamina. Whatever may have been the necessities, or the blunders of the military, Ito in Korea ever stood as the enemy of the rascally Japanese, held in check the soldiers and strove night and day to give the native people justice, education and uplift. In a word, he tried to do for Korea what he had done for Japan—to help and to protect the evolution of the Korean into a modern man. His one insistence was for a protectorate and not annexation. He met his death while on his way to confer with Russia's representative in regard to vital and intricate questions in Manchuria, but with a supreme desire for the world's peace and the welfare not only of his own, but of other nations.

Ito's work is done. Whatever his limitations, his life stands in history for the uplift of man. He was more than a Japanese. He belonged to the world's brotherhood, and humanity is poorer without him.

WILLIAM ELLIOT GRIFFIS.

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THE ATTITUDE OF THE JEWS TOWARD JESUS.

BY DR. ISIDOR SINGER.

I.

In view of the well-known fact that the overwhelming majority of so-called Jewish converts in Austria and Germany—there are very few of these pseudo neo-Christians in Russia, and almost none in other parts of Europe or on this continent—enter the Church for merely selfish reasons, a Jewish wit offered the following definition of them: "A Jewish convert is one who pretends to believe in dogmas and to follow traditions which the educated Christian himself is gradually abandoning." I know this statement will be a hard blow to those pious Christian souls who contribute to the Jewish Missions; but there is consolation for the millions of genuine followers of Christ in the other fact that thousands, yea, tens of thousands, of educated and noble-minded Jews in our day, while firmly standing upon the monotheistic platform of the Synagogue, are gradually giving up the attitude of their forefathers toward the central figure of Christianity—which was a pathetic mingling of ignorance, antipathy and fear.

I can bear witness to this momentous change from my own personal experience. When I was a boy—that is, between thirty-five and forty years ago—in my little native town in Moravia, had my father or any other member of the congregation heard the name of Jesus uttered from the pulpit of our synagogue, he would have immediately left the building in indignation, and the rabbi would have been summarily dismissed. To-day, however, it is not strange in many synagogues, especially in this country, to hear sermons preached eulogizing this same Jesus; and nobody, except a few Pharisaic followers of the neo-Romantic

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school of Judaism, thinks in earnest of protesting against claiming — with some dogmatic reservations, of course — Jeshua ben Joseph as one of the noblest twigs of the old branch of Judah.

II.

In 1899, at the suggestion of Dr. I. K. Funk, a number of the most eminent Jewish theologians, historians and philosophers in Europe and the United States were circularized with a view to ascertaining what some of the representative contemporary Jews have to say about Jesus and His teachings. Twenty-six gentlemen participated in the symposium: twelve theologians (six American, six European); seven students of religion, historians, philosophers (one American, six European); and seven prominent laymen (four American, three European). The chairman of this little Sanhedrin was Dr. K. Kohler, the leading Jewish theologian of the American continent and president of the Hebrew Union College at Cincinnati, Ohio. The following quotations from some of the contributions to this symposium are of profound interest, as indicating the attitude of intelligent Jews toward Jesus to-day. The views of Dr. Kohler, being of the most authoritative character, deserve the place of honor. He said:

". . . Jesus, the living man, the teacher and practiser of the tenderest love for God and man, the paragon of piety, humility and self-surrender, whose very failings were born of overflowing goodness and sympathy with the afflicted, the Jews had no cause to reject. He was one of the best and truest sons of the synagogue. . . . What reason had the Jews for hating and persecuting Him who came only to weep with the sorrowing, to lift up the down-trodden, to save and to heal? He was a man of the people; why should the people have raised the cry, 'Crucify Him!' against Him whose only object in life was to bring home the message of God's love to the humblest of His children? . . .

"But He was more than an ordinary teacher and healer of men. He went to the very core of religion and laid bare the depths of the human soul. As a veritable prophet, Jesus, in such striking manner, disclaimed allegiance to any of the Pharisean schools and asked for no authority but that of the living voice within, while passing judgment on the law, in order to raise life to a higher standard. . . .

"The Jew of to-day beholds in Jesus an inspiring ideal of matchless beauty. . . . His name as helper of the poor, as sympathizing friend of the fallen, as brother of every fellow sufferer, as lover of man and redeemer of woman, has become the inspiration, the symbol and the watchword for the world's greatest achievements in the field of benevolence. While continuing the work of the synagogue, the Christian

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Church with the larger means at her disposal created those institutions of charity and redeeming love that accomplished wondrous things. The very sign of the cross has lent a new meaning, a holier pathos, to suffering, sickness and sin, so as to offer new practical solutions for the great problems of evil which fill the human heart with new joys of self-sacrificing love. . . .

"All this modern Judaism gladly acknowledges reclaiming Jesus as one of its greatest sons. But it denies that one single man, or one church, however broad, holds the key to many-sided truth. It waits for the time when all life's deepest mysteries will have been spelled, and to the ideals of sage and saint that of the seeker of all that is good, beautiful and true will have been joined; when Jew and Gentile, Synagogue and Church, will merge into the Church universal, into the great city of humanity, whose name is 'God is there.'"

Let us now listen to a voice from the grave, that of Dr. Gustav Gottheil, late Rabbi of Temple Emanuel, New York:

". . . To place the Master of Nazareth by the side of the Jewish prophets can surely be no dishonor to them, nor can it dim the lustre of His name. If He has added to their spiritual bequests new jewels of religious truth, and spoken words which are words of life, because they touch the deepest springs of the human heart, why should we Jews not glory in Him? Show us the man, help us to understand his mind, draw from his face the thick veil behind which his personality has been buried for the Jewish life by the heartless zeal of his so-called followers, and you will find the Jewish heart as responsive to truth and light and love as that of all other nations."

The group of non-theological Jewish scholars may be fitly led by one of the greatest living students of religion, Dr. Morris Jastrow, Jr., Professor of Semitic Languages at the University of Pennsylvania, who said:

"From the historic point of view, Jesus is to be regarded as a direct successor of the Hebrew prophets. His teachings are synonymous with the highest spiritual aspirations of the human race. Like the prophets, He lays the chief stress upon pure conduct and moral ideas; but He goes beyond the prophets in His absolute indifference to theological speculations and religious rites. It is commonly said that the Jews rejected Jesus. They did so in the sense in which they rejected the teachings of their earlier prophets; but the question may be pertinently asked, Has Christianity accepted Jesus? Neither our social nor our political system rests upon the principles of love and charity, so prominently put forward by Jesus.

"The long hoped-for reconciliation between Judaism and Christianity will come when once the teachings of Jesus shall have become the axioms of human conduct."

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Let us now cross the ocean, and go over to Paris to listen to the celebrated writer, Dr. Max Nordau, and the great French philologian, Théodore Reinach. Dr. Nordau said:

". . . Jesus is soul of our soul, as He is flesh of our flesh. Who, then, could think of excluding Him from the people of Israel? St. Peter will remain the only Jew who said of the son of David, 'I know not the man.' If the Jews up to the present time have not publicly rendered homage to the sublime moral beauty of the figure of Jesus, it is because their tormentors have always persecuted, tortured, assassinated them in His name. The Jews have drawn their conclusions from the disciples as to the master, which was a wrong, a wrong pardonable in the eternal victims of the implacable, cruel hatred of those who called themselves Christians. Every time that a Jew mounted to the sources and contemplated Christ alone, without His pretended faithful, he cried, with tenderness and admiration: 'Putting aside the Messianic mission, this man is ours. He honors our race, and we claim Him as we claim the Gospels—flowers of Jewish literature and only Jewish.'"

Dr. Théodore Reinach, member of the French Parliament, formerly president of the *Société des Etudes Juives,* said:

"Although we know very little with certainty concerning the life and teachings of Christ, we know enough of Him to believe that, in morals as well as in theology, He was the heir and continuator of the old prophets of Israel. There is no necessary gap between Isaiah and Jesus; but it is the misfortune of both Christianity and Judaism that a gap has been effected by the infiltration of heathen ideas in the one, and the stubborn (only too explainable) reluctance of the other, to admit among its prophets one of its greatest sons. I consider it the duty of both enlightened Christians and Jews to endeavor to bridge over this gap."

Let us now recross the Atlantic and listen to the short, but pregnant, sentence of the recognized leader of American Judaism, the great banker and philanthropist, Jacob H. Schiff, who said:

"We Jews honor and revere Jesus of Nazareth as we do our own prophets who preceded Him."

The selections from this symposium cannot be more fittingly closed than by the beautiful words of one of the worthiest representatives of the Jewish lay-world, Harris Weinstock, a wealthy merchant of the Pacific coast, whose book on "Jesus the Jew," partly an outcome of the symposium, reflects with rare eloquence and laudable sincerity the inner struggles of the liberal-minded and educated Jewish layman of our day:

"With the growing enlightenment and the broadening atmosphere under which the modern Jew lives, the progressive Jew looks upon the

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Nazarene as one of Israel's great teachers, who had a potent influence on civilization, whose words and deeds have left an undying imprint upon the human mind, and have done heroic work toward universalizing the God of Israel and the Bible. This change of sentiment toward Jesus is largely due to the intelligent and progressive preaching of our modern rabbis, who seem to appreciate the glory Jesus has shed upon the Jewish name, and the splendid work He did in broadening the influence of the Jewish teachings. . . .

"No Jewish education can be complete that does not embody within it a comprehensive knowledge of Jesus the Jew, His life, His teachings and the causes which led to His death. . . ."

III.

After thoughtfully perusing these testimonials, the Christian reader will probably ask himself whether he has just been dreaming a beautiful dream. But no. It is reality; and not only the Synagogue, but also the Church, feels that spring is near and that the doors are opened wide to let out the musty air of the centuries and let in the fresh breeze of religious harmony. A New Theology is knocking at the pulpits of priest, pastor and rabbi. Every one of them feels the old theological platform giving away under his feet. The hour seems to be at hand when Roman Catholic, Protestant and Jew, and whoever believes in one personal God and the moral order of the Universe, shall be able and willing to gather about the same monotheistic banner. Are we Jews ready to claim the New Testament, which was written in an Aramaic idiom, written almost entirely upon the soil of Palestine by Hebrew writers for a mainly Hebrew audience—are we ready to claim this work as a continuance of the Old Testament, tearing out the white leaf which separates Malachi from St. Matthew? Have we children of the twentieth century, indeed, the inner strength that will enable us to rise to the sublime spiritual platform of the prophet Malachi, who in our Bible keeps, so to say, the watch on the border line of the two dispensations—when he asked: "Have we not all one father; hath not one God created us?" Is the time ripe for Hebrew scholars to take up the study of the New Testament with the earnestness and zeal with which Christian scholars study the Old Testament? Have we the men among us to write and finance an enterprise advocated by the writer of these lines, many years ago: the publication of a translation of the New Testament and the Apocrypha, and a thoroughly critical commentary on them, by a band

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of Hebrew scholars? They would feel more at home in this field than the majority of Christian theologians, who are unable to grasp fully the Oriental meanings and allusions of this "Christian Midrash," as August Wuensche, the famous Protestant Orientalist, calls the New Testament. Only to him, indeed, who is familiar with Hagadah and Halakah are the dialogues of Jesus with His disciples and followers absolutely clear. And here may I be permitted to suggest to some scholar of the progressive Cincinnati School — the Hebrew Union College — that he give us a supplementary volume to R. T. Hereford's excellent treatise on "Christianity in Talmud and Midrash," by pursuing the subject through the vast Hebrew literature of the Middle Ages, down to our own days? I appeal to our theological school in the West, because the authorities of the orthodox Rabbinical seminary of New York would reject such a suggestion as a shockingly indelicate one.

In brief, the question is: Has modern Judaism, after an interval of 1,839 years, the will and the force to resume the great monotheistic world-propaganda which our ancestors, blinded by national passions, had abandoned shortly before their war with Rome?

As early as the second century, B.C., according to the best Greek and Roman authorities, there was no island, no town in the vast Roman Empire without its Jewish or Judeo-heathen colony, thus preparing the soil for Judaism's child, Christianity. Later on, Hillel and his school became the centre of a powerful missionary activity, and Gamaliel, the teacher of the apostle Paul, belonged to this school. And of the great Gamaliel's son, Simon Gamaliel, who was murdered by the Jewish zealots in the beginning of the Roman-Jewish war, the following principle has been handed down by tradition: "If a heathen presents himself to enter Israel's tents, stretch out your hands to lead him under the wings of the Godhead." Even to-day, pious Jews all over the world, in reciting the thirteenth of the eighteen Benedictions (Shemone Esre), the central piece of the Jewish daily prayer-book, which dates back, in some of its parts, to the first century, B.C., pray for the welfare of the proselyte. Jews are still to-day proud of Poppæa, the wife of Nero, and of the great Roman lady, Fulvia, both great admirers of the Jewish religion; and we point with great satisfaction to King Izates of Adiabene and his mother

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Helena, who embraced Judaism in the middle of the first century, A.D., to be followed, nine hundred years later, by the royal house and the people of the Chazars. And is the book of the prophet Jonas, at bottom, anything else than a plea in favor of pagan missions?

The continuous stress and uniform jeremiades of nearly all of the Jewish charitable institutions not only in this country, but throughout the entire household of Israel, has certainly a deeper *voelker-psychologische* meaning than many of the professional social workers and philanthropists may dream of. There is, of course, no excuse for the rich Jew or well-to-do Jew for not doing his full duty by his poor brother. But in this systematic indifference of the modern Jew with regard to exclusively sectional and racial institutions, may we not, indeed, discern a semi-conscious tendency to reach out into a broader, common brotherhood? Have we not the right to expect that the day will come when the Jewish community, over the heads of its either benighted or hypocritical religious leaders, will give up the Law definitely and officially, forsaking the old Oriental Sabbath and the totemistic dietary laws, and even giving up the "Jewish" cemetery? As if every part of God's earth were not holy ground in which the mortal remains of our dear ones might fittingly be laid to rest!

The Jewish Diaspora, during the first millennium of the Christian era, willingly submitted to the decisions of the Rabbinical schools of Palestine and Babylonia, exchanging for a further period of about eight centuries this Oriental religious tyranny for one of European extraction. Thus, our poor ancestors grew into a "community hating everybody and hated by everybody," to use the expression of Tacitus.

The time now seems to have come to shake off, once and for all, this intolerable Pharisaic yoke; and no other Jewish community on earth is so well qualified to start on this work of salvation for the house of Israel and for humanity at large as that of the United States, which is a kaleidoscopic composition of the Jewries of the entire globe. In order to inaugurate its great spiritual world-mission, it will only have to modify its central religious dogma so as to read: "Hear not only O Israel, but all humanity, the Lord our God is One God."

ISIDOR SINGER.

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NEW BOOKS REVIEWED.

FOLK-LORE.

"THE Religion of Primitive Peoples"* inaugurates a series of "Studies in the History of Religions" which, if the volumes already announced on Buddhism and Islam are as weighty, as crammed with scholarly research and personal knowledge, will render notable credit to the Catholic Church which sets its *imprimatur* on the first leaf of this the first of them. Monseigneur Le Roy, already the author of a book upon the Pygmies, was himself a missionary for many years in Central Africa and has the records of his order to draw upon as well as his own notes. He knows the little black men and loves them. He has, moreover, like all Frenchmen (it is a commonplace of criticism), a style which is both clear and elegant, and adds to that the pleasantness, the logical quickness and dexterity, and the ready humor, proper to a trained priesthood. It is impossible not to enjoy, for example, the misadventure of a European who violated a Tabu and thereafter served experimentally to justify it; or the bungling of an anthropologist who spoke out of his ignorance about the Catholic Church; or, on the other hand, his picturesque if elaborate analogies between that thick-forested and well-watered sub-tropical world and the intelligences which people it. Nor could we spare his beautiful and touching conviction that all real religion is right religion and that "God who at sundry times and in divers manners" has declared Himself since the creation is the God of Central Africa and of all primitive peoples. But we could wish that he would not leave all the good manners and all the essential logic to the devil and his allies. Why should an anthropologist utter himself on such irrelevant questions as the

* "*La Religion des Primitifs.*" By Monseigneur A. Le Roy. Paris: Gabriel Beauchesne et Cie, 1909.

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anti-Semite trouble and freemasonry and women's clubs? Why should the definitions that appear so good turn out to be like the schoolmaster's explanations, that must not be discussed, or like the officer's orders, that need not be understood? Undoubtedly some writers have over-simplified the hypothetical primitive intellect, but here it is hard to tell whether the good Bishop attributes too advanced a psychology to his protégés or is himself in his social intelligence still at their stage. He is probably wrong in tracing back all their morality (as distinguished from religion) to a strong and exact sense of justice; he is indubitably wrong in making of totemism a mere pact with the animal kinds. So would the framers of our Constitution and J. J. Rousseau have reasoned, but not so we. Some aspects of the struggle which, by implication and directly, he is making against "laïcisation" seem very odd to Americans, and his limitation of man's duties other than religious must call out the shrug and the smile. Not so do we conceive of man's duty to his fellow. Yet the book is charged not only with interest, but with feeling. Very touching are the poems he quotes, and the saying: "Death is like the moon, who has seen the other side of it?" And unspeakably piteous and terrible in any perspective but the missionary's is this religion of the shy, wild little men in the deep African forest who, when one of their number dies, "bury him deep and the rest go farther, for it is dangerous to remain under the eye of God."

Of Professor Frazer's last attempt* "at sorting out the seeds of good from the seeds of evil, in dealing with the bases of civil society, property, government, marriage and respect for human life," the fanciful title suggests some of Ruskin's, but the tone and temper of the book are by far less erratic and notional and emotional than that of the great critic of art and life. In working in the very unacademic field of anthropology, in which there exists no great body of opinion, no stored learning and ancient wisdom, only an accumulation of unorganized facts for the inductive method to deal with, the author has shown, here as always, what we call in its best sense the academic spirit.

* "Psyche's Task: A Discourse Concerning the Influence of Superstition on the Growth of Institutions." By J. G. Frazer. New York: Macmillan & Co., 1909.

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He has the breadth, the calm and judicious outlook, and the tone of detachment that belong only to the great universities and their greatest sons. He is never abusive, only ironic; he is never hortatory, only suggestive; he is never argumentative in the two-and-two-make-four manner, he only builds up his syllogism delicately and leaves the inevitable conclusion for the reader to supply. In him studied temperance of speech and thought goes, as so often, hand in hand with a sort of noble seriousness about the things that are worth while. As always in approaching the ideal of the gentleman and the university man, we find something rather Greek in the gravity and restraint of manner, and the respect for conduct, the stress on the duties of man in society. Out of superstition have come those civil institutions which seem "to be bottomed on nothing but hard common sense and the nature of things," but the institutions are none the worse for their origin. "What concerns society is conduct, not opinion; if only our actions are just and good, it matters not a straw to others whether our opinions be mistaken." No brief review can justly praise, far less exemplify, the impression which this volume leaves of an urbane and profound culture, and of a tempered beauty of style which has the memory of all the ages behind its wise amenity. "At Athens cases of murder were tried before the Areopagus by night, and it is by night that I have spoken in defence of this ancient power of darkness. But it grows late, and with my sinister client I must vanish before the cocks crow and the morning breaks gray in the east."

Dr. Ginzberg has saved his notes and all his critical comment for a final volume and massed them in a sort of appendix to those legends which may be expected, if all goes well, about three years hence. All critical and scholarly discussion must be reserved till then, but meanwhile there is praise for the mine of delight in this first volume,* which begins somewhere before the Hebrew alphabet—long and long before the creation of the

* "The Legends of the Jews." By Louis Ginzberg. Translated from the German manuscript by Henrietta Szold. Vol. I. The Jewish Publication Society of America, 1909.

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world—and stops after the death of Jacob. Almost everything is in it, but even more curious are the things which are out of it. We have, for instance, the story of Adam's coming to die and sending Seth to Eden gate to fetch the oil of mercy, but not a word of the three seeds whence was to spring the wood of Holy Cross. Hints of all literature are here: trees blossoming at God's approach as Dante saw them do in the "Purgatory," man created with "two faces which were separated at the birth of Eve," as Plato says they were in the "Symposium." Apologues there are;—how Falsehood took Misfortune for a partner because everything went into the ark two by two; fabliaux a-plenty, clever tales of clever beasts; folk tales of the earlier sort, which answer the question *why?*—why the Bear runs after the Pleiades. Some miracles wrought by Abraham long after death suggest strongly the local saints of the French and Italian countryside. Days, qualities, all sorts of abstractions, have person and personality,—the Sabbath, the Shekinah, the furrow after Adam's fall, in a way that suggests the peculiar genius of Rossetti and recalls that he is said to have had a Jewish grandmother. Much is quaint—not least the ingenious system of pilfering practised in Sodom and Gomorrah—but on the whole all is fine. "While sitting under the oak of Mamre, Abraham perceived a flashing of light and smell of sweet odor, and turning around he saw Death coming towards him in great glory and beauty. And Death said unto Abraham: 'Think not, Abraham, that this beauty is mine or that I come thus to every man. Nay, but if any one is righteous like thee, I thus take a crown and come to him; but if he is a sinner I come in great corruption, and out of their sins I make a crown for my head and I shake them with great fear so that they are dismayed.' Abraham said to him: 'Art thou he, indeed, that is called Death?' He answered and said: 'I am the bitter name,' but Abraham answered: 'I will not go with thee.' And Abraham said unto Death: 'Show us thy corruption.' And Death revealed his corruption, showing two heads—the one had the face of a serpent, the other head was like a sword."

The beauty of folk-lore, as of all sciences still in the making, is that the same data will serve every man's turn and prove at

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will exact contradictories. From time to time a little material is added by travellers and diggers, but mostly scholars are busied in rearranging the mosaic and trying fresh patterns. Dr. Mahaffy, when he was over here last year, made a great deal of that prehistoric and pre-Aryan race the Firbolgs by way of taking all the glitter out of the Celtic Renascence. According to him, the great decorative genius to which testify the stone crosses, the manuscripts, the wrought gold and other early Irish remains, belongs to the strain of this non-Celtic folk, along with most of the fine and romantic spiritual qualities with which the late Matthew Arnold made us so familiar, and the Celtic stock is of a pretty poor sort and so are the Celtic poets—all this according to Professor Mahaffy. Now Mr. Gomme, just by the way, in treating of "Folk-lore as an Historical Science"* takes his chance to unload on these Firbolgs and their kindred throughout the British Isles not only all the qualities that he would be loath to attribute to the Celtic peoples whom he loves so well, but actually all the savagery and barbarism, the totemism, human sacrifice, marriage too free and too near, cannibalism, all the shocking and cruel practices in sober England of which records or traces remain in the ancient writers, in stones and barrows, and in lingering tales and superstitions. So, having cleared the skirts of our Celtic and Teutonic ancestors from every blame and heaped it all on the unaccounted-for race whom they displaced, he hopes that we shall accept more willingly his main contention: that precisely where history must stop in its backward quest, we can follow the guidance of folk-lore into that darkling world which heretofore we have called prehistoric and left a *terra incognita*. He makes out a good case, and incidentally proposes some valuable definitions and marks some important distinctions. He blows up, on his way, a few derelicts and belabors a few fetishes. Surely in the case of Max Müller's solar myth this is thrice slaying the slain. Is he not, on the other hand, it might be asked, just a little too respectful to Professor Frazer's mania for bringing back everything to "the kindly fruits of the earth"? The eminence and excellence of the author of "The Golden Bough" are a warrant—are, in truth, a responsibility laid on his admirers—to jog his elbow

* "Folk-lore as an Historical Science." By George Laurence Gomme. London: Methuen & Co.

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when he goes off mooning. Mr. Gomme does indeed protest, albeit softly. He has cleared up a good deal of debatable ground, and done knight's choice for the anthropologist not only in criticism both destructive and constructive, but also in setting out his own opinions so exactly and yet completely that they are fit for challenge or support by the next comer. Besides all this he has supplied a winning introduction into the lore that he loves for the general reader and the amateur, for whom surely this shelf of "Antiquary's Books" was primarily devised, in all their ruddy gallantry of press-work and binding, gentlemen's books in the good old sense of the word, and has opened at least a glimpse into his enchanting store of "antique fables and fairy toys."

MEDIÆVAL REPRINTS.

To those interested in the revival of saintly lore and the mystical religion of the centuries stretching from the tenth to the fifteenth, the subject is at once so absorbing and so illuminating as to need nothing further than an indication of what reprints are procurable. Mathilda of Magdeburg, a nun of the thirteenth century, has left a valuable and poetic document* consisting of three books: "The Book of the Return Inward," "The Book of Vision," "The Book of Blessedness." The first is aphoristic and proverbial in form; she opens with the main tenet of the mystic doctrine: "This is a book of love and in love shall it be completed; for nothing is so wise, or so holy, or so strong, or so beautiful, or so perfect as love." The second book of the Kingdom of Heaven, the nine choirs, the thrones of the apostles, the Virgin and Christ, and the rewards of preachers, martyrs and virgins, and the doctrine of unbaptized children has in it more of temporal error and less of divine truth, while Book III, in the form of dialogues between Love and the Soul, between the Soul and the senses, etc., despite its quaintnesses, holds much that is of great and lasting value. The mode of speech is at times to modern ears irreverently amorous and anthropomorphic, but none the less is there beneath its local and temporal form, indeed, a flowing light from the Divine.

* "*Das Fliessende Licht der Gottheit.*" By Mechthild von Magdeburg. Verlag, Berlin: Œsterheld & Co., 1907.

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In Inge's "Christian Mysticism" (1899) he refers to a manuscript sent him by Miss G. H. Warrack, which she had copied from the manuscript in the British Museum, from which he prepared his able summary of the conclusions of this most cheerful and lovable anchoress. The absence of all unpleasant and irreverent intimacy with the heavenly hosts is one of the distinguishing and agreeable qualities in the Lady Juliana's book,* and most remarkable is it that without book knowledge or learning of any sort she was led by the contemplative life to the same conclusions reached by the most profound and philosophic of the mystics. She deals lucidly with a theory of dual personality and forebodes Pascal's "Hadst thou not had me, thou wouldst not seek me," when she says: "Our Lord said to me: *I* am the ground of thy beseeching; first it is my will that thou have it and then I make thee to wish for it and then I make thee to beseech it." Again the immortality of the soul presupposing its prenatal as well as postnatal existence, so insistent a point in modern poetry, was one of this untaught woman's conclusions; her vain search for a hell (although she carefully says "in all things I believe as the Holy Church believeth, preacheth and teacheth"), for God showed her none other than saved souls, her sense of the solidarity of the race, "for in this oneness standeth the life of all mankind," her robust and cheerful Christianity makes the document a valuable and delightfully readable addition to the literature of mystical philosophy.

These quatrains† from Johannes Scheffler, better known as Angelus Silesius, have filtered through English hymnology under many and various forms without attribution to their original source. It is, therefore, a valuable contribution to mystical literature to have even this small selection from the "*Cherubinischer Wandersmann*" given us, with the English translation and the German text on the same page. Some of the finest quatrains from the original are omitted and the translations are far from being poetic. There are times, too, when in an at-

* "Revelations of Divine Love by Juliana, Anchoress at Norwich, 1373." A version from the manuscript in the British Museum edited by Grace Warrack; third edition. London: Methuen & Co., 1909.

† "Angelus Silesius." A selection from the rhymes of a German mystic. Translated in original metre by Paul Carus. Chicago: Open Court Publishing Company, 1909.

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tempt to be accurate they really cease to be interpretative, but the little book is none the less useful to those who would not undertake to select for themselves from the ponderous German original. A translation of the entire book would be invaluable to students, and we trust that the Open Court Publishing Company may see its way to publishing one later.

For the exquisite make-up of these little books in the "Mediæval Library" the book-lover cannot be too grateful. He may almost, for a moment, have the illusion of holding in his hand an original sixteenth-century manual of devotion. The worn-looking leather binding with impressed picture, the quaint brass clasps, the facsimiles of the original woodcuts, all lend added charm to this delightful record of the conversion, penitence, temptation and Divine Consolations of the blessed Angela.* Like many a saint, the blessed Angela was led through sin to consciousness. She entered on the life of penance after her first youth was spent in the neighborhood of the church of the Friars Minor, at Foligno, and remained there till her death in 1309. Her "visions" were of an exceptionally intellectual type resulting in a fine conviction of the profit of tribulation, in self-knowledge and sense of proportionate values.

Identical in binding and make-up with the foregoing Divine Consolations the legend of this charming and sinless child† is most exquisitely done into English here, retaining much of the quaintness and charm of the *Trecento* Italian. Such sentences as "Salanduccio had an habitual infirmity in his body which waxed parlous great," and "wherefore such as like unto her live this sorry life, they shall straightway walk into the angelic state" cannot but help to translate us into the elder day, the more childlike faith. The original Italian Leggenda is bound up with the translation; the notes are valuable and learned, and the introduction gives us a mind steeped in mystical lore.

* "The Book of Divine Consolation of the Blessed Angela of Foligno." Translated from the Italian by Mary G. Steedmann. New York: Duffield & Co., 1909.

† "The Legend of the Holy Fina, Virgin of San Gemignaro." Translated from the *Trecento* Italian of Fra Giovanni di Cappo, with introduction and notes by M. Mansfield. New York: Duffield & Co., 1908.

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FICTION.

Full of the sweetness, beauty and wisdom we are accustomed to finding in this Dutch writer, this story* of a great genius, a great man and a self-sacrificing woman is a fine book marred only by the conventions of novel-making and the author's incomplete command of English. It might be reviewed in a half-dozen different ways: as a conventionally wrought novel injured by too much incident; as a book of wisdom and aphorism and full of such thoughts as flow from the infinite into the hushed and listening spirit; thoughts such as: "Emptiness more than anything can fill to bursting these hearts of ours." "There is one thing stronger than all our plans for life and this is life itself." "Every human nature is limited. Whatever the poets may say, no two natures close on each other like the two halves of a shell. All we can do is to extend the laps." "A prison may also be a refuge." It might be used as an example to show that the most beautiful thoughts, the most vital incidents, are lost unless their creator manages to clothe them in beautiful form. For in this limited world it is concrete form and form alone that endows with lasting vitality and length of days. The world is full of shifting events, stories, plots, characters and authors who perceive them, but one in a thousand can gather them together and mould them into perfect form. Maarten Maartens has here every element of a great book except the mastery of language.

Mr. Arnold Bennett arrived at the goal all too soon and is now famous and, if the papers tell us truly, is being rapidly spoiled. He is reported as writing plays, novels, series of essays and heaven knows what else for a half-dozen publisners, and "The Glimpse"† may be the last great book a great writer will be able to finish in a leisurely and adequate manner. To a psychological and visionary theme he here applies once more his exact and keen method. It is a novel as utterly different in kind from "Old Wives' Tales" as anything could be, but it is as accurate, as true, as exact, a summary of experience. Instead of being the experiences of three commonplace, hard-working, old

* "The Price of Lis Doris." By Maarten Maartens. New York: D. Appleton & Co., 1909.

† "The Glimpse." By Arnold Bennett. New York: D. Appleton & Co., 1909.

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ladies, it is the sick and visionary experience in trance of a highly wrought, nervous dilettante. The ordeal of desire and its purgation results in a mastery of the truth of the brotherhood of man and sends the amateur back into the world with a new sense of the solidarity of the race and the interwoven destiny of souls. The book is a lesson in the way wisdom and love avert fatality. It is a very beautiful story, and the speculative part, if a little too much touched by cheap theosophical doctrines, is yet full of suggestion and interest.

To those who have avoided Mr. Quiller-Couch's pot-boilers and known him only through those of his works which have been wrought *con amore* like the "Oxford Book" and "From a Cornish Window," his novels, with their extravagance and improbability and heaped-up adventures, are only redeemed by beautiful paragraphs of description, boats and rivers, sunrises and sunsets, and carefully observed externals of characters. These rescue them from utter banality. We cannot but wonder to what age and class of intelligence Mr. Quiller-Couch fancies he is writing* when he tells the wild adventures of the little circus girl and the orphan-asylum changeling—their escapades in coal-holes and on motors.

What a delight it is to hark back to the greater Victorian tradition! In William de Morgan's new novel,† though there is an almost unfathomably intricate plot turning on the shifting of the deceased wife's sister's bill, there is yet so much fine character-drawing, so much scenery and setting and manners and motives, that we constantly feel as if we had moved back to a contemporary of Thackeray and Dickens and were in a great, well built-up, thoroughly convincing setting of the Victorian era before the last half-century. The side issue of Lizarann and her "Poylot" is a chapter from Dickens, but the whole book is a delightfully constructed, beautifully observed piece out of life. We cannot be too thankful for the length of the book.

* "True Tilda." By Quiller-Couch. New York: Charles Scribner's Sons, 1909.

† "It Never Can Happen Again." By William de Morgan. New York: Henry Holt & Co., 1909.

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ESPERANTO NOTES.

MAJOR-GENERAL GEORGE COX

(From the British Esperantist)

"As we could only very briefly announce in our last number, on October 27th passed away our old friend and collaborator, Major-General George Cox, in his seventy-first year. We cannot express with what sorrow and regret we heard the sad and unexpected news of his death. For some months past he had not been in good health, though in his frequent letters to us he always made light of it, continuing to work for our cause to the very last. Only on October 23rd the writer received a letter from him expressing his regret that he would not be able to help us for some time, owing to the necessity of undergoing an immediate operation; that, in fact, was the first intimation that we had of the seriousness of his illness. On October 11th he had visited us at the B. E. A. offices, and little did we think then that it was the last time we should see his genial face among us. He had just returned from Scotland, and, as usual, made us one of his earliest visits in order to get the latest information as to the progress of that *kara lingvo* to which he had devoted so much of his time and labor during the past few years. He spoke so little of himself and of his work that but few knew how deep was his interest in Esperanto, how constantly it was in his thoughts, and how generously he helped the cause in Great Britain with both money and personal service. All of us, of course, know and highly appreciate the service he rendered by the writing of his 'Grammar and Commentary on the Esperanto Language' in July, 1906; but few are aware that the whole cost of publication was also borne by him, and that at a time when the prospects of Esperanto were by no means so bright as they are at present.

"General Cox became an Esperantist in 1905, and in the middle of 1906 joined the Editorial Committee of our gazette, writing under the initials 'G. C.'; reference to the files of the journal will show how large a part he took in the work upon it. In 1907 he was elected one of the Vice-Presidents of our Association, being re-elected in 1908 and 1909. In addition to his work on 'The British Esperantist,' General Cox was much interested in the translation of the Bible and had himself

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translated several books of the New Testament; for the International Science Association in Geneva he drew up and translated lists of military terms and also rendered into Esperanto three of the tales from the 'Arabian Nights.' He took part in the Geneva and Cambridge Congresses.

"His belief in Esperanto and in the great benefits that it will bring to mankind was strong and unwavering; and though he did not often take part in person in public propaganda efforts, privately on every possible occasion he neglected no opportunity of spreading the knowledge of our language. By his death our cause has indeed lost one of its most earnest, loyal and devoted workers, and those who had the honor of knowing him personally, lose in him one of the kindest and most sympathetic of friends.

"The following particulars concerning his military career will certainly be of interest to our readers:

"Major-General Cox, late Royal Irish Fusiliers, was born in 1838. Educated at Repton School and Trinity College, Cambridge, he took his B.A. degree in 1860. At Cambridge he took up rowing, won the Sculls at Derby in 1858 and the Macnaughten Sculls, Cambridge, in 1859. Rowed in First Trinity boat as 'Head of the river' in 1858, and in crew of same boat which won the 'Challenge Stewards' Cup,' 'Ladies' Plate' and 'Visitors' Cup' in 1859 at Henley.

"He joined the 87th Royal Irish Fusiliers in 1861. Was A.D.C. to General (afterward Field-Marshal) Sir Patrick Grant, Governor of Malta, in 1868 to 1872. Served in the Egyptian campaign in 1882 and was promoted Brevet Colonel for his services, receiving the Medal and Khedive's Star. He was afterward Assistant Adjutant-General for Recruiting at Headquarters, War Office, from which post he was appointed to command of troops in Natal and Zululand in 1895. On the death of General Sir W. Goodenough in 1898 he was ordered to Cape Town to command all troops in South Africa, and on departure of Sir A. Milner for England General Cox was appointed Acting High Commissioner and Governor of Cape Town until arrival of General Sir W. Butler."

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CONTRIBUTORS TO THIS NUMBER.

A Naval Critic

is a gentleman of high rank in the Navy Department, who writes with the highest official authority on naval matters.

Caspar Frederick Goodrich,

Rear-Admiral in the United States Navy since 1904, was born in Philadelphia in 1847. He was graduated from the United States Naval Academy in 1864 and saw service during the last years of the Civil War. He held a number of commands subsequently and did a great variety of duty in the department. He commanded the Pacific squadron in 1905-06, and since June 1st, 1907, has been commandant of the Brooklyn Navy-Yard.

Mrs. Bellamy Storer

was born in Cincinnati March 20th, 1849. In 1880 she founded the Rookwood Pottery and worked therein continuously for ten years. In 1902 she was received into the Catholic Church. She resided in Brussels and in Madrid during the time her husband was Minister to those coun-

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tries. In 1901 Mrs. Storer took up her residence in Vienna when Mr. Storer became Ambassador to Austria. Mrs. Storer's interest in France is due largely to the fact that her grandchildren are French, her daughter being the wife of the Marquis de Chambrun.

SAMUEL O. DUNN

is the Western editorial manager of the "Railway Age Gazette" and is an authority on railway matters.

THOMAS HASTINGS

was born in New York in 1860 and graduated from the Ecole des Beaux Arts in Paris in 1884. Since then he has been in partnership with John M. Carrère, and the firm has built many notable buildings, including the New York Public Library, the New Theatre, etc.

WILLIAM W. GAY

was born in Malone, New York, January 16th, 1854; he was prepared for college there and was graduated from Middlebury College in 1876. He studied law in Malone and was admitted to the bar. He joined the staff of the Springfield (Massachusetts) "Republican" in 1881 and has since been engaged in newspaper work in various editorial capacities in Springfield, Chicago and New York. He has contributed prose and verse to the newspapers with which he has been connected, and also to magazines. He has served as Washington correspondent of the "World," with which newspaper he is now connected, and also as correspondent at large of the "World" in Cuba. He is a member of the Vermont State Historical Society.

CHARLES E. WOODRUFF,

a native of Philadelphia, was educated at the High School

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in that city, at the Naval Academy and at Jefferson Medical College. After serving for a year or so in the navy as medical officer, he entered the army in 1887 and devoted himself to the practical study of military sanitation and all matters bearing upon the well-being of the soldier. His writings have appeared mostly in medical periodicals, and he has published a scholarly book on "The Effects of Tropical Light on White Men"—an anthropological investigation of the reason why white soldiers break down in the tropics.

"BRITANNICUS"

is an experienced student and an alert British writer who has had opportunities of comparing the customs and institutions of both England and the United States. He is no newcomer in the REVIEW.

THE RT. HON. SIR ROBERT STOUT,

Chief Justice of New Zealand since 1899, was born in the Shetland Islands in 1844. He went to New Zealand, where he has held many high offices. He was Attorney-General 1878-79, Minister for Immigration at the same time, Premier and Minister of Education 1884-87, and is now Chancellor of the University of New Zealand.

THE RT. HON. SIR JOSEPH GEORGE WARD,

Premier of New Zealand since 1906, was born in 1857 and decorated on the occasion of the visit to New Zealand of the Duke and Duchess of Cornwall. He has served as Minister of Railways, Electric Telegraphs, Industries and Commerce, Colonial Secretary and Postmaster-General.

ANNA CADOGAN ETZ

was born in 1863. She has written and spoken a great deal on the subject of woman suffrage. She has published a

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number of pamphlets, including "What Is Democracy?" and "What's the Matter with New York?"

SYDNEY BROOKS

is an English journalist who has already contributed a number of articles to the REVIEW on a variety of subjects. He visited Ireland recently and spent a number of months in observing on the spot existing conditions in that country. He is an authority upon subjects relating to England's administration in India and in Ireland.

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